
PRELIMINARY DRAFT
No. 3772

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 20-33.

Synopsis: Title 20 recodification. Article 33. (New cite order, with queries.)

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning
recodification of education laws.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-33 IS ADDED TO THE INDIANA CODE AS
A **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JULY 1,
2005]:

ARTICLE 33. STUDENTS: GENERAL PROVISIONS

Chapter 1. Equal Educational Opportunity

[20-8.1-2-1] Sec. 1. ~~Policy.~~ **The following** is the public policy of
the state: ~~of Indiana:~~

(~~a~~) **(1)** To provide ~~furnish and make available~~ equal,
nonsegregated, nondiscriminatory educational opportunities and
facilities for all, regardless of race, creed, national origin, color,
or sex.

(~~b~~) **(2)** To provide and furnish public schools and common
schools equally open to all and prohibited and denied to none
because of race, creed, color, or national origin.

(~~c~~) **(3)** To reaffirm the principles of ~~our~~ **the** bill of rights, civil
rights, and ~~our~~ **the** Constitution **of the State of Indiana.**

(~~d~~) **(4)** To provide for the state ~~of Indiana~~ and ~~its~~ **the** citizens of
Indiana a uniform democratic system of public and common
school education.

(~~e~~) **(5)** To abolish, eliminate, and prohibit segregated and separate
schools or school districts on the basis of race, creed, or color. ~~and~~

(~~f~~) **(6)** To eliminate and prohibit segregation, separation, and
discrimination on the basis of race, color, or creed in the public
kindergartens, common schools, public schools, vocational
schools, colleges, and universities of ~~the state:~~ **Indiana.**

[20-8.1-2-2] Sec. 2. ~~Schools Open to All.~~ The public schools of the
state ~~of Indiana shall be~~ **are** open to all children until ~~they~~ **the children**
complete their courses of study, subject to the authority vested in
school officials by law.

[20-8.1-2-3] Sec. 3. (a) ~~Neither~~ The governing body of ~~any~~ **a** school
corporation ~~nor and~~ the board of trustees of ~~any~~ **a** college or university



~~shall~~ **may not** build or erect, establish, maintain, continue, or permit any segregated or separate:

- (1) public kindergartens;
- (2) public schools or districts;
- (3) public school departments or divisions; or
- (4) colleges or universities;

on the basis of race, color, creed, or national origin of pupils or students.

~~(b) These~~ **The officials described in subsection (a)** may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, ~~These actions may include, but are not limited to,~~ **including:**

- (1) site selection; **or**
- (2) revision of:
 - (A) school districts;
 - (B) curricula; or
 - (C) enrollment policies;

to implement equalization of educational opportunity for all.

~~(b)~~ **(c)** A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:

- (1) separating students by ability;
- (2) placing students into educational tracks; or
- (3) using test results to screen students;

have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class.

[20-8.1-2-4] Sec. 4. ~~Segregation Prohibited; Pupils:~~ **(a) All students and pupils shall A student is entitled to** be admitted and enrolled in the public or common school in the ~~district~~ **school corporation** in which ~~they reside~~ **the student resides** without regard to race, creed, or color, ~~socioeconomic~~ **class**, or national origin.

~~(b) No A student or pupil shall~~ **may not** be prohibited, segregated or denied attendance or enrollment to: ~~any~~

- (1) **a:**
 - (A) public school;
 - (B) common school;
 - (C) junior high school; or
 - (D) high school;
- in ~~his district;~~ **the student's school corporation;** or ~~any~~
- (2) **a** college or university in ~~the state;~~ **Indiana;**

because of ~~his~~ **the student's** race, creed, color, or national origin.

(c) Every student ~~and every pupil shall be~~ **is** free to attend: ~~any~~

- (1) **a:**
 - (A) public school; **or**
 - (B) department or division of a public school; or
- (2) college or university in ~~the state;~~ **Indiana;**



within the laws applicable alike to noncitizen and nonresident students.

[20-8.1-2-5] Sec. 5. ~~Segregation Prohibited, Schools. No~~ (a) A:

- (1) public school;
- (2) state college; or
- (3) state university; ~~shall~~

may not segregate, separate, or discriminate against any of its students on the basis of race, creed, or color.

(b) Admission to ~~any a~~ public school ~~shall may~~ not be approved or denied on the basis of race, creed, or color. [QUERY: ADD NATIONAL ORIGIN IN A TRAILER BILL?]

[20-8.1-2-6] Sec. 6. ~~Segregation Prohibited, Teachers. No~~ A:

- (1) public school;
- (2) state college; or
- (3) state university; ~~shall~~

may not discriminate in any way in ~~the~~ hiring, upgrading, tenure, or placement of any teacher on the basis of race, creed, color, or national origin.

[20-8.1-2-7] Sec. 7. ~~Supplementary Nature of Chapter.~~ This chapter is supplemental to:

- (1) ~~any and~~ all ~~existing~~ common law, statutory law, and civil rights ~~on~~ **applicable to** the public schools, common schools, colleges, ~~or and~~ universities; and
- (2) the rights and remedies arising from these laws of the state ~~of Indiana~~, and ~~its to the state's~~ citizens.

Chapter 2. Compulsory School Attendance

[20-8.1-3-1] Sec. 1. ~~Legislative Intent.~~ The legislative intent for this chapter is to provide an efficient and speedy means of insuring that ~~children~~ **students** receive a proper education whenever it is reasonably possible.

[20-8.1-3-17(k)] Sec. 2. ~~(k)~~ For the purposes of this ~~section~~, **chapter**, "school year" has the meaning set forth in IC 21-2-12-3(h).

[20-8.1-3-2] Sec. 3. ~~Sec. 2.~~ This chapter applies to each situation ~~which that~~ involves any of the following:

- (1) A person less than eighteen (18) years of age who is domiciled in Indiana.
- (2) A person less than eighteen (18) years of age who:
 - (A) is not domiciled in Indiana; and ~~who~~
 - (B) intends to remain in Indiana for a period ~~of time as~~ established by rule of the ~~Indiana~~ state board. ~~of education.~~
- (3) A student:
 - (A) who is less than eighteen (18) years of age;
 - (B) whose behavior has resulted in an expulsion from school; and
 - (C) who is assigned to attend:
 - (i) an alternative school; or
 - (ii) an alternative educational program.



[20-8.1-3-17(a)] Sec. 4. ~~Sec. 17. (a)~~ Subject to the specific exceptions under this chapter, ~~each individual~~ **a student** shall attend either:

(1) a public school ~~which that~~ the ~~individual student~~ is entitled to attend under ~~IC 20-8.1-6.1[??]; IC 20-33-4; or some other~~

(2) **another** school ~~which is~~ taught in the English language.

[20-8.1-3-17(d)] Sec. 5. A student for whom education is compulsory under this chapter shall attend school each year for the number of days public schools are in session:

(1) in the school corporation in which the student is enrolled in Indiana; or

(2) where the student is enrolled if the student is enrolled outside Indiana.

[20-8.1-3-17(b), (c)] Sec. 6. ~~(b) An individual~~ **(a) A student** is bound by the requirements of this chapter from the earlier of the date on which the ~~individual student~~ officially enrolls in a school or, except as provided in ~~subsection (b); section 8 of this chapter~~, the beginning of the fall school term for the school year in which the ~~individual student~~ becomes seven (7) years of age until the date on which the ~~individual student~~:

(1) graduates;

(2) ~~reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation; or~~

~~(3) (2) reaches at least becomes~~ eighteen (18) years of age; or
(3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;

whichever occurs first.

~~(c) An individual~~ **(b) A student** who:

(1) enrolls in school before the fall school term for the school year in which the ~~individual student~~ becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the ~~individual student~~ is reenrolled as required in subsection ~~(b); (a). Nothing in This section chapter~~ shall **not** be construed to require that a ~~child student~~ complete grade 1 before the ~~child student reaches becomes~~ eight (8) years of age.

~~(d) An individual for whom education is compulsory under this section shall attend school each year:~~

~~(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana;~~



or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled;

[20-8.1-3-17(e), (f), (g)] Sec. 7. ~~(e)~~ **(a)** In addition to the requirements of ~~subsections (a) through (d);~~ **sections 4 through 6 of this chapter, an individual a student** must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent a school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection ~~(g);~~ **(c)**, the governing body of the school corporation shall adopt a procedure affording a parent of ~~an individual a student~~ who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent ~~of the school corporation~~ for enrollment of the ~~individual student~~ in kindergarten at an age earlier than the age ~~that is~~ set forth in this subsection.

~~(f)~~ **(b)** In addition to the requirements of ~~subsections (a) through (e);~~ **sections 4 through 6 of this chapter and subsection (a)**, and subject to subsection ~~(g);~~ **(c)**, if ~~an individual a student~~ enrolls in school as ~~permitted~~ **allowed** under ~~subsection (b)~~ **section 6 of this chapter** and has not attended kindergarten, the superintendent ~~of the school corporation~~ shall make a determination as to whether the ~~individual student~~ shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection ~~(g);~~ **(c)**.

~~(g)~~ **(c)** To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent ~~of the school corporation~~ under subsection ~~(e);~~ **(a)**.

(2) Establish criteria by which a governing body may adopt a model assessment ~~which will that may be utilized~~ **used** in making the determination under subsection ~~(f);~~ **(b)**.

[20-8.1-3-17(h)] Sec. 8. ~~(h)~~ **A student is not bound by the requirements of this chapter until the student becomes seven (7) years of age, if, upon request of the superintendent of the school corporation, the parents parent of an individual a student** who would otherwise be subject to compulsory school attendance under ~~subsection (b);~~ **upon request of the superintendent of the school corporation, section 6 of this chapter certify certifies** to the superintendent ~~of the school corporation~~ that the parents ~~intend~~ **parent intends** to:

(1) enroll the ~~individual student~~ in a nonaccredited, nonpublic school; or

(2) begin providing the ~~individual student~~ with instruction equivalent to that given in the public schools as permitted under ~~section 34~~ **28** of this chapter;



not later than the date on which the individual student reaches becomes seven (7) years of age. the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age:

[20-8.1-3-17(i), (j)] Sec. 9. ~~(i)~~ (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection ~~(b)(2)~~: **section 6(a)(3) of this chapter**. Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(j)~~ (b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:
 - (A) student's parent or guardian; and ~~the~~
 - (B) school principal;
 each provide written consent for the student to withdraw from school.

[20-8.1-3-17.1] Sec. 10. ~~Sec. 17.1:~~ (a) Each public school shall and each private school may require a student who initially enrolls in the school after July 1, 1988, to provide:

- (1) the name and address of the school the student last attended; if any; and
- (2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

~~(b) If the document described in subsection (a)(2):~~

- ~~(1) is not provided to the school within thirty (30) days of the student's enrollment; or~~
- ~~(2) appears to be inaccurate or fraudulent;~~

~~the school shall notify the Indiana clearinghouse for information on missing children under IC 10-13-5 and determine if the child has been reported missing.~~

~~(c) If a student initially enrolls in a school after July 1, 1988; (b) Not more than fourteen (14) days after initial enrollment in a school, the school shall within fourteen (14) days of enrollment, request the student's records from the last school the student last attended. if any.~~

(c) If the document described in subsection (a)(2):

- (1) is not provided to the school not more than thirty (30) days after the student's enrollment; or**



(2) appears to be inaccurate or fraudulent;
the school shall notify the Indiana clearinghouse for information
on missing children established under IC 10-13-5-5 and determine
if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall
~~promptly~~ send the records **promptly** to the requesting school.
 However, if a request is received for records to which a notice has been
 attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the
 school:

(1) shall immediately notify the Indiana clearinghouse for
 information on missing children;

(2) may not send the school records without the authorization of
 the clearinghouse; and

(3) may not inform the requesting school that a notice under
 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached
 to the records.

[20-8.1-3-17.2] Sec. 11. ~~Sec. 17.2:~~ (a) Each governing body shall
 establish and include as part of the written copy of its discipline rules
 described in ~~IC 20-8.1-5.1-7:~~

~~(1) a definition of a student who is designated as a habitual truant;~~

~~(2) the procedures under which subsection (b) will be
 administered; and~~

~~(3) all other pertinent matters related to this action.~~

~~(b)~~ (a) Notwithstanding IC 9-24 concerning the minimum
 requirements for qualifying for the issuance of an operator's license or
 a learner's permit, and subject to subsections (c) through (e), ~~a person~~
an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15)
 years of age;

(2) a habitual truant under the definition of habitual truant
 established under subsection ~~(a)~~; **(b)**; and

(3) identified in ~~a list~~ **the information** submitted to the bureau of
 motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a
 motor vehicle ~~or motorcycle~~ under IC 9-24 until the ~~person~~ **individual**
 is at least eighteen (18) years of age.

**(b) Each governing body shall establish and include as part of
 the written copy of its discipline rules described in IC 20-33-8-7:**

**(1) a definition of a child who is designated as a habitual
 truant;**

**(2) the procedures under which subsection (a) will be
 administered; and**

(3) all other pertinent matters related to this action.

(c) ~~A person~~ **An individual** described in subsection ~~(b)~~ (a) is
 entitled to the procedure described in ~~IC 20-8.1-5.1-13[??]~~.
IC 20-33-8-13.



(d) ~~Each person~~ **An individual** described in subsection ~~(b)~~ **(a)** who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of ~~that person's~~ **the individual's** attendance record in school ~~in order~~ to determine whether the prohibition described in subsection ~~(b)~~ **(a)** shall continue. ~~In no event may~~ The periodic reviews **may not** be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the ~~person's individual's~~ attendance record has improved to the degree that the ~~person individual~~ may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and ~~before~~

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning ~~a person's~~ **an individual's** ineligibility under subsection ~~(b)~~ **(a)** to be issued ~~the an operator's~~ license or **a learner's** permit.

(g) The department ~~of education~~ shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection ~~(a); (b).~~

[20-8.1-3-17.3] Sec. 12. ~~Sec. 17.3:~~ (a) A school that is:

(1) nonpublic;

(2) nonaccredited; and

(3) not otherwise approved by the ~~Indiana~~ state board; ~~of education;~~

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public or nonpublic or a state board approved nonpublic school if:

(1) the governing body or superintendent, ~~of the school corporation;~~ in the case of the accredited public school; or

(2) the administrative authority, in the case of the accredited or state board approved nonpublic school;

approves the enrollment or participation by the student.

[20-8.1-3-17.5] Sec. 13. ~~Sec. 17.5:~~ (a) A school corporation shall record or include **the following information** in the official high school transcript for ~~each a~~ student in high school: ~~the following information:~~

(1) Attendance records.

(2) The student's latest ISTEP test results under ~~IC 20-10.1-16-~~ **IC 20-32-5.**

(3) Any secondary level and postsecondary level certificates of



achievement earned by the student.

(4) Immunization information from the immunization record the student's school keeps under ~~IC 20-8.1-7-9[??]~~ **IC 20-34-4-1.**

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

[20-8.1-3-18(a)] Sec. 14. ~~Sec. 18.~~ (a) **This section and IC 20-33-2-4 through IC 20-33-2-9 apply to a student who attends either a public school or a nonpublic school.**

(b) Service as a page for or as an honoree of the ~~Indiana~~ general assembly ~~constitutes~~ **is a lawful excuse for a pupil student** to be absent from school, ~~For each day of page service or as an honoree of the Indiana general assembly, when~~ verified by ~~the~~ **a** certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this ~~subsection~~ **section shall may** not be recorded as being absent on any date for which the excuse is operative ~~nor and shall the student may not~~ be penalized by the school in any manner. ~~This section applies to all pupils, whether they attend public, private, or parochial schools.~~

[20-8.1-3-18(b)] Sec. 15. ~~(b)~~ (a) The governing body of ~~each a~~ school corporation and the chief administrative official of ~~each private a nonpublic~~ secondary school system shall authorize the absence and excuse of each secondary school student who serves:

(1) on the precinct election board; or

(2) as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works. ~~Prior to~~

(b) ~~Before~~ the date of the election, the student must submit a document signed by one (1) of the student's parents or guardians giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer, ~~The document must describe~~ generally **describing** the duties of the student on the date of the election. A student excused from school attendance under this ~~subsection~~ **section shall may** not be recorded as being absent on any date for which the excuse is operative ~~nor and shall the student may not~~ be penalized by the school in any manner.

[20-8.1-3-18(c)] Sec. 16. ~~(c)~~ The governing body of ~~each a~~ school corporation or the chief administrative officer of ~~each private a nonpublic~~ school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this ~~subsection~~ **section** shall not be recorded as being absent on any date for which the excuse is operative ~~nor and shall the student not~~ be penalized by the school in any manner. The appropriate school authority may require that the



1 student submit the subpoena to the appropriate school authority for
2 verification.

3 [20-8.1-3-18(d)] Sec. 17. ~~(d)~~ The governing body of ~~each~~ a school
4 corporation or the chief administrative officer of ~~each private~~ a
5 **nonpublic** school system shall authorize the absence and excuse of
6 each secondary school student who is ordered to active duty with the
7 Indiana National Guard for not more than ten (10) days in a school
8 year. For verification, the student must submit to school authorities a
9 copy of the orders to active duty and a copy of the orders releasing the
10 student from active duty. A student excused from school attendance
11 under this ~~subsection~~ **section** ~~shall~~ **may** not be recorded as being
12 absent on any date for which the excuse is operative ~~nor and shall the~~
13 ~~student may not~~ be penalized by the school in any manner.

14 [20-8.1-3-20] Sec. 18. ~~Sec. 20: Parent to Produce Certificate of~~
15 ~~Child's Incapacity on Demand:~~ (a) If a parent of a **student** does not
16 send ~~his the child~~ **student** to school because of the ~~child's~~ **student's**
17 illness or mental or physical incapacity, it is unlawful for the parent to
18 fail or refuse to produce a certificate of the **illness or** incapacity for an
19 attendance officer ~~within not later than~~ six (6) days after ~~it the~~
20 **certificate** is demanded.

21 (b) The certificate required under this section ~~shall~~ **must** be signed
22 by:

- 23 (1) an Indiana physician; ~~or by~~
- 24 (2) an individual holding a license to practice osteopathy or
- 25 chiropractic in ~~this state;~~ **Indiana;** ~~or by~~
- 26 (3) a Christian Science practitioner who resides in Indiana and is
- 27 listed in the Christian Science Journal.

28 [20-8.1-3-22] Sec. 19. ~~Sec. 22: Attendance; Public School Children;~~
29 ~~Religious Instruction:~~ (a) When the parent of a **child student** who is
30 enrolled in a public school makes a written request, the principal may
31 ~~permit allow~~ the **child student** to attend a school for religious
32 instruction ~~which that~~ is conducted by a church, ~~or~~ an association of
33 churches, or ~~by~~ an association ~~which that~~ is organized for religious
34 instruction and incorporated under ~~the laws of~~ **Indiana law**.

35 (b) If a principal grants permission ~~for a child to attend a school for~~
36 ~~religious instruction;~~ he ~~shall specify under subsection (a), the~~
37 **principal shall specify** a period or periods, not to exceed one hundred
38 twenty (120) minutes in ~~the aggregate total~~ in any week, for ~~children~~
39 **the student** to receive ~~this religious~~ instruction. ~~The permission to~~
40 ~~attend a school for religious instruction shall be~~ **is** valid only for the
41 year in which it is granted. Decisions made by a principal under this
42 section may be reviewed by the superintendent. ~~of the school~~
43 ~~corporation:~~

44 (c) A school for religious instruction ~~which that~~ receives **pupils**
45 **students** under this section:

- 46 (1) shall maintain attendance records and allow inspection of



these records by attendance officers; ~~A pupil who attends a school for religious instruction under this section shall receive the same attendance credit which he would receive for attendance in the public schools for the same length of time. A school for religious instruction shall and~~

(2) may not be supported, in whole or in part, by public funds.

(d) **A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.**

[20-8.1-3-23] Sec. 20. ~~Sec. 23:~~ (a) An accurate daily record of the attendance of each ~~child~~ **student** who is subject to compulsory school attendance under ~~section 17~~ of this chapter shall be kept by every public and ~~private~~ **nonpublic** school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;

(2) school officials; and

(3) agents of the department of labor.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, ~~a~~ school official, or ~~an~~ agent of the department of labor.

(c) In a ~~private~~ **nonpublic** school, the record shall be required to be kept solely to verify the enrollment and attendance of ~~any particular child~~ **a student** upon request of the:

(1) state superintendent; ~~of public instruction; or the~~

(2) superintendent of the school corporation in which the ~~private~~ **nonpublic** school is located.

[20-8.1-3-24] Sec. 21. ~~Sec. 24:~~ (a) Each principal and teacher in ~~every~~ **a** public school that is attended by ~~any children who are a student~~ subject to the compulsory school attendance ~~laws law~~ under ~~section 17~~ of this chapter shall furnish, on request of the superintendent of the ~~district school corporation~~ in which they are employed, a list of:

(1) names;

(2) addresses; and

(3) ages;

of all minors attending ~~their~~ **the** school. When a ~~pupil~~ **student** withdraws from school, ~~they~~ **the principal and teacher** shall immediately report to the superintendent ~~his~~ **the student's** name and address and the date of ~~his~~ **the student's** withdrawal.

(b) Each principal or school administrator in ~~every~~ **private a nonpublic** school that is attended by ~~any children~~ **a student** who ~~are~~ **is** subject to the compulsory school attendance ~~laws law~~ under ~~section 17~~ of this chapter shall furnish, on request of the state superintendent, ~~of public instruction;~~ the number of ~~children~~ **students** by grade level attending the school. ~~When~~



(c) If:

(1) a ~~pupil~~ **student** withdraws from a **nonpublic** school; and
 (2) no public or other ~~private~~ **nonpublic** school has requested the ~~pupil's~~ **student's** educational records within fifteen (15) school days after the date the ~~pupil~~ **student** withdrew from school; ~~then~~ **the private the nonpublic** school shall report to the state superintendent ~~of public instruction~~ or the superintendent of the school corporation in which the ~~private~~ **nonpublic** school is located, the name and address of the ~~pupil~~ **student** and the date ~~he~~ **the student** withdrew from school.

[20-8.1-3-25] Sec. 22. ~~Sec. 25. Within~~ (a) **Not later than** fifteen (15) school days after the beginning of each semester, the principal of ~~every~~ **a** public high school shall send to the superintendent with jurisdiction over ~~his~~ **the** school a list of names and last known addresses of all students:

- (1) not graduated; and
- (2) not enrolled in the then current semester who were otherwise eligible for enrollment.

(b) Each superintendent **immediately** shall ~~immediately~~ make available all lists received under this section to an authorized representative of:

- (1) Ivy Tech State College; and ~~an authorized representative of~~
- (2) an agency whose purpose it is to enroll high school drop-outs in various training programs.

[20-8.1-3-26] (c) **Each representative authorized to receive a list prepared under subsection (b) shall stipulate in writing that the list will be used only for purposes of contacting prospective students or prospective trainees. If a list is used for any other purpose, the college or agency that the recipient represents is ineligible to receive subsequent lists for five (5) years.**

[20-8.1-3-29] Sec. 23. ~~Sec. 29. (a) Every~~ **Each** school attendance officer, sheriff, marshal, and police officer in Indiana ~~is empowered to~~ **may** take into custody any child who:

- (1) is required to attend school under this chapter; and ~~who~~
- (2) is found during school hours, unless accompanied:
 - (A) by a parent or guardian; or ~~unless accompanied,~~
 - (B) with the consent of a parent, foster parent, or guardian, by a relative by blood or marriage who is at least eighteen (18) years of age;
 in a public place, in ~~any~~ a public or private conveyance, or in ~~any~~ a place of business open to the public.

(b) When an officer takes a child into custody under this section, ~~he~~ **the officer** shall immediately deliver the child to the principal of the public ~~private~~, or ~~parochial~~ **nonpublic** school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver ~~him~~ **the child** into the custody of the principal of the public



1 school in the attendance area in which the child resides. If a child is
 2 taken to the appropriate school and the principal is unavailable, the
 3 acting chief administrative officer of the school shall take custody of
 4 the child.

5 (c) The powers conferred under this section may be exercised
 6 without warrant and without subsequent legal proceedings.

7 [20-8.1-3-30] Sec. 24. ~~Sec. 30: Principal; Duties When Truant Child~~
 8 ~~Received:~~ (a) When a child is delivered into the custody of a principal
 9 or acting chief administrative officer under section ~~29~~ **23** of this
 10 chapter, ~~he the principal or officer~~ shall immediately place the child
 11 in class in the grade or course of study in which the child is enrolled or
 12 to which ~~he the child is properly assignable:~~ **may be properly**
 13 **assigned.**

14 (b) A child who is placed in class under this section shall not be
 15 kept at school beyond the regular hour of dismissal on that day for the
 16 grade or course of study in which the child is placed. As promptly as
 17 is reasonably possible after placing a child in class under this section,
 18 the principal or acting chief administrative officer shall attempt to
 19 advise the child's ~~parents~~ **parent** of the facts of the case by telephone.
 20 ~~In any event,~~ The principal or acting chief administrative officer shall
 21 advise the ~~parents~~ **parent** of the facts of the case by mail on the same
 22 day ~~he the principal or officer~~ receives the child.

23 [20-8.1-3-31.1] Sec. 25. ~~Sec. 31.1:~~ The superintendent or an
 24 attendance officer having jurisdiction may report a child who **is**
 25 habitually ~~absents himself~~ **absent** from school in violation of this
 26 chapter to an intake officer of the juvenile court. The intake officer
 27 shall proceed in accord with IC 31-30 through IC 31-40. [QUERY-
 28 SHOULD THIS BE IC 31-34-CHINS ACTION?]

29 [20-8.1-3-32] Sec. 26. ~~Sec. 32: Enforcement of Chapter:~~

30 (a) It is the duty of each:

- 31 (1) superintendent;
- 32 (2) attendance officer; and
- 33 (3) state attendance official;

34 to enforce ~~the provisions of~~ this chapter in their respective jurisdictions
 35 and to execute the affidavits authorized under this section. ~~This~~ **The**
 36 duty is several and the failure of one (1) or more to act ~~shall not~~ **does**
 37 **not** excuse ~~any other~~ **another** official from ~~his~~ **the** obligation to
 38 enforce this chapter.

39 (b) ~~Affidavits~~ **An affidavit** against ~~parents~~ **a parent** for ~~violations~~
 40 **a violation** of this chapter shall be prepared and filed in the same
 41 manner and under the procedure prescribed for filing affidavits for the
 42 prosecution of public offenses.

43 (c) ~~Affidavits~~ **An affidavit** under this section shall be filed in the
 44 circuit court of the county in which the affected child resides. The
 45 prosecuting attorney shall file and prosecute actions under this section
 46 as in other criminal cases. The court shall promptly hear cases brought



under this section.

[20-8.1-3-33] Sec. 27. ~~Sec. 33: Compulsory Attendance; Parent's Responsibility.~~ (a) It is unlawful for a parent to fail to ensure that ~~his~~ **the parent's** child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent **or the superintendent's designee:**

(1) having jurisdiction over the public school ~~or his designee,~~ where the child has legal settlement; or ~~the superintendent~~

(2) of the transferee corporation, ~~or his designee,~~ if the child has been transferred.

(c) Personal notice must consist of and take place at the time of the occurrence of one of the following events:

(1) The date of personal delivery of notice.

(2) The date of receipt of the notice sent by certified mail. ~~or~~

(3) The date of leaving notice at the last and usual place of the residence of the ~~parents;~~ **parent.**

If the violation is not terminated ~~within~~ **not more than** one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. ~~and~~ Each day of violation constitutes a separate offense.

[20-8.1-3-34] Sec. 28. ~~Sec. 34: Compulsory Attendance for Full Term; Duty of Parent.~~ (a) **This section does not apply during a period when a child is excused from school attendance under this chapter.**

(b) It is unlawful for a parent to:

(1) fail;

(2) neglect; or

(3) refuse;

to send ~~his~~ **the parent's** child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in ~~the~~ public schools. ~~This section does not apply during any period when the child is excused from attendance under this chapter.~~

[20-8.1-3-36] Sec. 29. ~~Sec. 36:~~ (a) It is unlawful for a person operating or responsible for:

(1) an educational;

(2) a correctional;

(3) a charitable; or

(4) a benevolent institution or training school;

to fail to ensure that a child under ~~his~~ **the person's** authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the county office **of family and children** of the county of the ~~student's~~ **child's** legal settlement



under IC 12-19-7 for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per ~~student~~ **child** cost.

[20-8.1-3-37] Sec. 30. ~~Sec. 37. Penalty:~~ A person who knowingly violates this chapter commits a Class B misdemeanor.

[20-8.1-3-14] **Sec. 31. (a) The state board shall exercise general supervision by resolution over the attendance system of the state.**

(b) The state board may adopt rules under IC 4-22-2 pertaining to the state attendance system and the enforcement of this chapter.

[20-8.1-3-19] **[QUERY - DOE SUGGESTS REPEAL OF THIS SECTION]** Sec. 32. ~~Sec. 19:~~ **(a)** With the approval of the state board, of education, a superintendent may exclude or excuse ~~any child a~~ **student** found mentally or physically unfit for school attendance. An exclusion or excuse under this section ~~shall be~~ **is** valid only for the school year during which it is issued.

(b) A superintendent's action under this section ~~shall~~ **must** be in accordance with limitations and regulations established by the state board of education concerning the procedures and requirements for the complete examination of ~~children:~~ **students.**

~~(c) No child~~ **A student shall may not** be compelled to undergo any examination or treatment under this chapter when his ~~parents object~~ **the student's parent objects** on religious grounds, ~~A religious objection which~~ consists of a good faith reliance on spiritual means or prayer for healing. ~~A religious~~ **The objection will not be is not** effective unless it is:

(1) made in writing;

(2) signed by the ~~child's~~ **student's** parent; and

(3) delivered to the ~~child's~~ **student's** teacher or to the individual who might order an examination or treatment absent the objection.

~~No child~~ **A student** may **not** be excluded under this section except as provided under ~~IC 20-8.1-5.1[??]:~~ **IC 20-33-8.**

Chapter 3. Limitations on the Employment of Students

[20-8.1-4-0.5] Sec. 1. ~~Sec. 0.5:~~ This chapter does not apply to a parent who employs the parent's own child or a person standing in place of a parent who employs a child in the person's custody, except for: ~~those provisions concerning~~

(1) underage employment (~~IC 20-8.1-4-21(a))[??];~~ **(section 32(a) of this chapter);**

(2) employment during school hours (~~IC 20-8.1-4-21(b))[??];~~ **(section 32(b) of this chapter);** and

(3) employment in hazardous occupations designated by federal law (~~IC 20-8.1-4-25)[??];~~ **(section 25 of this chapter).**

[20-8.1-4-20(b)] Sec. 2. ~~(b)~~ As used in this ~~section,~~ **chapter,** "nonschool week" refers to a week that contains two (2) or less school



1 days.

2 [20-8.1-4-20(c)] Sec. 3. ~~(c)~~ As used in this ~~section~~, **chapter**, "school

3 day" refers to a day that contains more than four (4) hours of classroom

4 instruction.

5 [20-8.1-4-20(d)] Sec. 4. ~~(d)~~ As used in this ~~section~~, **chapter**, "school

6 week" refers to a week that contains three (3) or more school days.

7 [20-8.1-4-1]: Sec. 5. ~~Sec. 1.~~ It is unlawful for ~~any a~~ person, firm,

8 limited liability company, or corporation to hire, employ, or permit ~~any~~

9 a child who is:

10 (1) more than fourteen (14) years of age; **[QUERY: THIS IS**

11 **AMBIGUOUS. AT LEAST 14? AT LEAST 15?]** and

12 (2) less than eighteen (18) years of age;

13 to work in ~~any a~~ gainful occupation until the person, firm, limited

14 liability company, or corporation has secured, and placed on file in ~~its~~

15 **the office of the person, firm, limited liability company, or**

16 **corporation**, an employment certificate issued by the proper issuing

17 officer under this chapter.

18 [20-8.1-4-2] Sec. 6. ~~Sec. 2.~~ **Exceptions to requirement of**

19 **employment certificate:** (a) ~~No~~ **An** employment certificate is **not**

20 required for a child who is **at least** fourteen (14) years of age ~~or older~~

21 **and but** less than eighteen (18) years of age to:

22 (1) perform:

23 (A) farm labor; or

24 (B) domestic service; or ~~to~~

25 (2) act as a:

26 (A) caddie for a person playing ~~the game of~~ golf; or as a

27 (B) newspaper carrier.

28 However, this exemption applies only when a child is engaged in an

29 occupation listed in this section during the hours when the child is not

30 required to be in school.

31 (b) ~~No~~ **An** employment certificate is **not** required for a child ~~under~~

32 **less than** eighteen (18) years of age who:

33 (1) works as an actor or performer if the provisions of

34 ~~IC 20-8.1-4-21.5[??]~~ **IC 20-33-3-33** are met; (c) ~~No~~ **employment**

35 **certificate is required for a child under eighteen (18) years of age**

36 **who or**

37 (2) has graduated from high school.

38 [20-8.1-4-30] Sec. 7. ~~Sec. 30.~~ (a) This chapter applies to ~~all persons~~

39 **a child under the age of less than** eighteen (18) years of age who **are**

40 **is** employed or **are is** seeking employment in Indiana.

41 (b) ~~A person child under less than~~ eighteen (18) years of age who

42 is a resident of Indiana ~~and who requires an employment certificate~~

43 shall obtain **it an employment certificate** from the issuing ~~officers~~

44 **officer** of the:

45 (1) accredited school (as described in ~~IC 20-1-1-6(a)(5))[??]~~

46 **IC 20-19-2-8(a)(5))** that the **person child** attends; ~~If a resident of~~



Indiana under eighteen (18) years of age who does not attend an accredited school requires an employment certificate; the person shall obtain the certificate from an issuing officer of the or (2) school corporation in which the person child resides. or from an issuing officer (as described in section 4 of this chapter) designated by the school corporation in which the person resides.

(c) A child under less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain it the certificate from the issuing officer of the school corporation in which such person the child is:

- (1) employed; or is
- (2) seeking employment.

However, The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of any a child warrants this action.

[20-8.1-4-3]: Sec. 8. (a) Any A child who is at least fourteen (14) years of age or older and but less than sixteen (16) years of age may withdraw from school if:

- (1) he the child is issued a lawful employment certificate by the bureau of child labor; an issuing officer; and [QUERY - SECTION 5 OF THIS CHAPTER REQUIRES THE ISSUING OFFICER (A SCHOOL OFFICER) TO ISSUE AN EMPLOYMENT CERTIFICATE, NOT THE BUREAU OF CHILD LABOR OF THE DEPARTMENT OF LABOR, IC 22-1-1-5.]

- (2) a joint agreement was reached by the issuing officer and the parent or guardian concerning employment of the child.

The issuing officer shall notify the employer in writing that the child has been permitted allowed to withdraw from school and is not in violation of the compulsory attendance laws, IC 20-8.1-3[??]. IC 20-33-2. [QUERY - COMPULSORY ATTENDANCE STATUTE PROVIDES THAT A CHILD MAY NOT WITHDRAW FROM SCHOOL UNTIL AGE 16 - WHICH PROVISION IS CORRECT?]

(b) Any A child who withdraws from school under this chapter section shall return to school within five (5) days after termination of the employment for which the employment certificate was issued.

[20-8.1-4-4] Sec. 9. Sec. 4: (a) The issuing officer in each accredited school (as described in IC 20-1-1-6(a)(5))[??] IC 20-19-2-8(a)(5)) shall be an individual who is:

- (1) a guidance counselor;
- (2) a school social worker; or (if the attendance officer is a teacher licensed by the state board of education under IC 20-6.1-3)
- (3) an attendance officer for the school corporation and a teacher



1 licensed by the professional standards board under
 2 IC 20-28-5; and (2)
 3 designated in writing by the principal.

4 (b) During the times in which the individual described in subsection
 5 (a)(1) (a) is not employed by the school or when school is not in
 6 session, there shall be an issuing officer available:

7 (1) who is a teacher licensed by the ~~state board of education~~
 8 **professional standards board** under ~~IC 20-6.1-3~~; **IC 20-28-5**;
 9 and

10 (2) whose identity and hours of work shall be determined by the
 11 principal.

12 [20-8.1-4-5] Sec. 10. ~~Sec. 5: Optional Employment Certificate;~~
 13 ~~Issuance Mandatory. Whenever any~~ **When an employer desires wants**
 14 to employ ~~a person~~ **an individual** who represents ~~his the individual's~~
 15 age to be ~~between at least eighteen (18) and years of age but less than~~
 16 twenty-one (21) years ~~he of age, the employer~~ may request the issuing
 17 officer to issue ~~a an employment~~ certificate for the prospective
 18 employee. It is the duty of the issuing officer to issue a certificate when
 19 an employer makes a request under this section.

20 [20-8.1-4-7] Sec. 11. ~~Sec. 7: (a) Documents Required Prior to~~
 21 ~~Issuance of Certificate.~~ An issuing officer may issue ~~a an employment~~
 22 certificate only to a child whose employment is necessary and only
 23 after receipt of the following two (2) documents:

24 (1) Proof of age as ~~prescribed set forth~~ under section ~~8 12~~ of this
 25 chapter.

26 (2) Proof of prospective employment as ~~prescribed set forth~~
 27 under section ~~11 13~~ of this chapter.

28 (b) A child seeking an employment certificate from a school the
 29 child does not attend must also present to the issuing officer a written
 30 statement that:

31 (1) is from the school the child does attend; and

32 (2) attests to the child's acceptable academic performance and
 33 attendance.

34 [20-8.1-4-8] Sec. 12. ~~Sec. 8: (a) As proof of age, the issuing officer~~
 35 shall require one (1) of the following documents:

36 (1) A birth certificate or duly attested transcript of a birth
 37 certificate issued by the registrar of vital statistics or any other
 38 officer charged with the duty of recording births. The registrar ~~has~~
 39 ~~a duty to issue may not charge a fee for~~ a certificate or transcript
 40 as ~~required under this subsection free of charge; provided by~~
 41 **IC 16-37-1-9(c)(2)**. School records of age ~~which that~~ have been
 42 verified by a birth certificate may be substituted by the issuing
 43 officer for a birth certificate.

44 (2) A baptismal certificate or a **certified** transcript of the record
 45 of baptism ~~duly certified~~ showing the child's date of birth and
 46 place of baptism.



(3) **Other documentation, including:**

(A) a bona fide contemporary record of the child's birth, comprising a part of the family record of births in the Bible; ~~or~~

(B) other documentary evidence satisfactory to the department of labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the child's age; or

(C) a life insurance policy. ~~Other~~

Documentary evidence under this subdivision must have been in existence for at least one (1) year.

(4) A sworn statement by a public health physician, a public school physician, or the superintendent stating, in the opinion of the signatory, the child's physical age. This statement shall show the child's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the child's age signed by ~~his~~ **the child's** parent and by available school records.

(b) The ~~different~~ documents ~~which that~~ may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

[20-8.1-4-11] Sec. 13. ~~Sec. 11: Proof of Prospective Employment:~~

(a) As proof of prospective employment, the issuing officer shall require a written statement ~~that:~~

(1) ~~is~~ signed by the person for whom the child is to work; ~~setting and~~

(2) ~~sets~~ forth the nature of work ~~which that~~ the child is to perform.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:

(1) termination; and ~~the~~

(2) date on which it occurred.

This notice shall be on a blank form attached to the child's employment certificate.

(c) It is unlawful for an issuing officer to issue a subsequent **employment** certificate until ~~he~~ **the issuing officer** has:

(1) received a termination notice from the current employer; or

(2) otherwise determined that the child's employment has terminated.

(d) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in section ~~20~~ **23** of this chapter.



[20-8.1-4-12] Sec. 14. ~~Sec. 12.~~ (a) Upon presentation to the issuing officer of the documents required by section 7 11 of this chapter, an employment certificate shall be issued immediately to the child. However, an issuing officer may deny a certificate to a child:

- (1) whose attendance is not in good standing; or
- (2) whose academic performance does not meet the school corporation's standard.

(b) ~~Within~~ **Not later than** five (5) days **after issuing an employment certificate**, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in ~~his~~ **the issuing officer's** office of each employment certificate issued.

(c) A student may appeal the denial of a certificate under subsection (a) to the ~~school~~ principal.

[20-8.1-4-13] Sec. 15. ~~Sec. 13.~~ (a) The:

- (1) state board; ~~of education; or the~~
- (2) department of labor;

may revoke an employment certificate at any time, if, in the judgment, of ~~either, the state board or the department of labor~~, the certificate was improperly issued or if ~~either the state board or department of labor~~ has knowledge that the child ~~involved~~ is or was illegally employed.

(b) In order to determine when a child is illegally employed, the state board ~~of education~~ and the department of labor and ~~their~~ agents ~~are authorized to:~~ **of the state board or department of labor may:**

- (1) investigate the ~~true~~ age of ~~any minor a child~~ who is employed;
- ~~to~~
- (2) subpoena witnesses; ~~to~~
- (3) hear evidence; and ~~to~~
- (4) require the production of relevant books or documents.

~~(b)~~ (c) When an employment certificate is revoked under this section, the issuing officer and the child's employer shall be notified in writing **[QUERY: BY WHOM?]**. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate has been revoked may not be employed or ~~permitted~~ **allowed** to work until ~~he~~ **the child legally** has ~~legally~~ obtained a new **employment** certificate.

[20-8.1-4-15] Sec. 16. ~~Sec. 15: Employment Certificate; Contents.~~

(a) Each employment certificate **issued for a child shall set forth must state** the:

- (1) full name and the date and place of birth of the child; ~~the~~
- (2) name and address of the child's parents; ~~the~~
- (3) name and address of the employer; and ~~the~~
- (4) nature of the work ~~which that~~ the child is to perform. ~~It~~



(b) ~~The employment certificate shall~~ **must** certify that the child has:

- (1) appeared before the issuing officer; and ~~that he has~~
- (2) submitted the proof of age and prospective employment as required under this chapter.

(c) The issuing officer may require the presence of the child's parents before issuing the **employment** certificate.

[20-8.1-4-16] Sec. 17. ~~Sec. 16:~~ (a) All blank forms necessary to carry out this chapter shall be prepared by the department of labor and supplied to ~~the several~~ issuing officers.

(b) Funds to pay expenses incurred by the department of labor in printing and distributing these forms are appropriated annually out of any money in the **state** general fund ~~of the state~~ that is not otherwise appropriated.

[20-8.1-4-17] Sec. 18. ~~Sec. 17: Investigatory Power. Any~~ (a) An officer charged with ~~the~~ enforcement of this chapter may ~~inquire into~~ **investigate** the ~~true~~ age of ~~any a~~ young person **[QUERY: CHILD?]**:

- (1) who is employed or ~~permitted~~ **allowed** to work in ~~any an~~ occupation; and
- (2) for whom no employment certificate is on file.

(b) If ~~an~~ the officer finds that the age of the ~~individual investigated~~ **employee [QUERY: CHILD?]** is below the age authorized for ~~workers an employee~~ without an employment ~~certificates~~ **certificate**, under this chapter, the:

- (1) employment; ~~of that individual~~; or the
- (2) fact that ~~he~~ the employee **[QUERY: CHILD?]** is ~~permitted~~ **allowed** to work; ~~shall be~~

is prima facie evidence of unlawful employment.

[20-8.1-4-18] Sec. 19. ~~Sec. 18:~~ (a) **Except as provided in subsection (c)**, whenever the department of labor requires, a child who is:

- (1) **at least** fourteen (14) years of age ~~or older~~ and less than eighteen (18) years of age; and
- (2) at work in ~~any an~~ occupation for which an employment certificate is required under sections ~~15~~ and ~~26~~ of this chapter;

shall submit to a physical examination. ~~This~~ **The** examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department **of labor**. A female **employee** is entitled to have this examination made by a ~~person of her own sex~~. ~~No female. An~~ employer shall **not** require, or attempt to require, a female **employee** to submit to a physical examination by a ~~person of the opposite sex~~: **male**.

(b) The result of ~~every an~~ examination conducted under this section shall be recorded on a printed form furnished by ~~the department of labor~~. ~~All examination reports shall be~~ **and** kept on file at the ~~office of~~ the department of labor.



(c) The department of labor may not require a child to undergo a medical examination under this chapter when ~~his~~ **the child's parents object parent objects** on religious grounds. A religious objection:

(1) consists of a good faith reliance on spiritual means or prayer for healing; ~~A religious objection will and~~

(2) ~~is not be~~ effective unless ~~it the~~ **the objection** is:

(A) made in writing;

(B) signed by the child's ~~parents;~~ **parent;** and

(C) delivered to the department of labor.

[20-8.1-4-19] Sec. 20. ~~Sec. 19:~~ (a) If: ~~any~~

(1) ~~a~~ child fails to submit to a medical examination as ~~may be~~ required under section ~~18~~ **19** of this chapter; or ~~if;~~

(2) on examination, the medical inspector finds ~~him~~ **the child** to be physically unfit to be employed in the work in which ~~he the~~ **child** is engaged and files a report to that effect;

the department of labor shall revoke the child's employment certificate.

A report of physical incapacity shall be kept on file in the office of the department of labor.

(b) Written notice of a revocation under this section shall be served on the issuing officer and the child's employer ~~Notice shall be served~~ in person or by registered mail. Immediately after receiving notice of a revocation, ~~under this section,~~ the employer shall deliver the revoked certificate to the department of labor. A child whose certificate has been revoked under this section may obtain a new certificate if ~~he is~~ found, after physical examination, to be physically fit for the new occupation in which ~~he the child~~ proposes to engage.

~~(c) A report of physical unfitness submitted under this section shall be kept on file in the office of the department of labor.~~

[20-8.1-4-32] Sec. 21. ~~Sec. 32:~~ (a) An employment certificate ~~issued under this chapter~~ may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.



(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the ~~child's~~ **student's** employer.

[20-8.1-4-20(a)] Sec. 22. ~~Sec. 20: (a) This section applies Sections 23 through 30 of this chapter apply only to occupations employment~~ for which a child who is **at least** fourteen (14) years of age ~~or older~~ and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(b) ~~As used in this section, "nonschool week" refers to a week that contains two (2) or less school days.~~

(c) ~~As used in this section, "school day" refers to a day that contains more than four (4) hours of classroom instruction.~~

(d) ~~As used in this section, "school week" refers to a week that contains three (3) or more school days.~~

[20-8.1-4-20(e)] Sec. 23. ~~(e)~~ The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The child may not work before 7:00 a.m. or after 7:00 p.m. However, the child may work until 9:00 p.m. from June 1 through Labor Day.

(2) The child may not work:

- (A) more than three (3) hours on a school day;
- (B) more than eighteen (18) hours in a school week;
- (C) more than eight (8) hours on a nonschool day; or
- (D) more than forty (40) hours in a nonschool week.

[20-8.1-4-20(f)] Sec. 24. ~~(f)~~ A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:

- (1) work for more than eight (8) hours in any one (1) day;
- (2) work for more than thirty (30) hours in any one (1) week;
- (3) work for more than six (6) days in any one (1) week; or
- (4) begin a work day before 6:00 a.m.

[20-8.1-4-20(g)] Sec. 25. ~~(g)~~ A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may not:

- (1) work for more than eight (8) hours in any one (1) day;
- (2) work for more than thirty (30) hours in any one (1) week;
- (3) work for more than six (6) days in any one (1) week; or
- (4) begin a work day before 6:00 a.m. on a school day.

[20-8.1-4-20(h)] Sec. 26. ~~(h)~~ A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10:00 p.m. on nights that are followed by a school day in any occupation except those which the commissioner of labor determines to be:

- (1) dangerous to life or limb; or
- (2) injurious to health or morals.

[20-8.1-4-20(i)] Sec. 27. ~~(i)~~ An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years



of age to work until midnight if:

(1) the work will be performed:

(A) during a nonschool week; or

(B) on days that are not followed by a school day; and

(2) the employer has:

(A) obtained written permission from ~~a~~ **the** child's parent or legal guardian; and

(B) placed the written permission on file in the employer's office.

[20-8.1-4-20(j), (k)] Sec. 28. ~~(j)~~ **(a)** An employer may employ a child who is at least sixteen (16) years of age and less than eighteen (18) years of age up to forty (40) hours during a school week if the employer has:

(1) obtained written permission from ~~a~~ **the** child's parent or legal guardian; and

(2) placed the written permission on file in the employer's office.

~~(k)~~ **(b)** If an employer has obtained written permission required under ~~subsection (j)~~, **subsection (a)**, the employer may employ a child who is at least sixteen (16) years of age ~~but~~ **and** less than eighteen (18) years of age for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) nonschool week.

[20-8.1-4-20(l)] Sec. 29. ~~(l)~~ A child who is **at least** seventeen (17) years of age ~~or older but~~ **and** less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office. A child covered by this ~~subsection~~ **section** may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.

[20-8.1-4-20(m)] Sec. 30. ~~(m) Children~~ **A child who are is at least** sixteen (16) years of age ~~or older~~ **and** less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if ~~they fit into the~~ **the child is a member of any one** ~~(n)~~ of the following categories:

(1) ~~They are~~ **The child is** a high school graduate.

(2) ~~They have~~ **The child has** completed an approved vocational or special education program.

(3) ~~They are~~ **The child is** not enrolled in a regular school term.

[20-8.1-4-20.5] Sec. 31. ~~Sec. 20.5:~~ (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:



(1) section ~~26~~ of this chapter; or

(2) section ~~20(m)(2)~~ **30(2)** or ~~20(m)(3)~~ **30(3)** of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours.

[20-8.1-4-21] Sec. 32. ~~Sec. 21:~~ (a) ~~No A child who is~~ less than:

(1) fourteen (14) years of age may **not** be employed or allowed to work in any gainful occupation except as a farm laborer, ~~as a~~ domestic service worker, ~~as a~~ caddie for persons playing the game of golf, or ~~as a~~ newspaper carrier; ~~No child who is less than and~~

(2) twelve (12) years of age may **not** be permitted to work at farm labor except on a farm operated by ~~his parents: the child's parent~~. [QUERY- MAY WANT TO LEAVE "PARENTS" AS UNCLEAR UNDER IC 20-8.1-1-16(b) WHETHER THIS IS "APPROPRIATE".]

(b) Except as provided in section ~~21.5~~ **33** of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued by the school that the child attends.

[20-8.1-4-21.5] Sec. 33. ~~Sec. 21.5: Nothing contained in~~ This chapter may **not** prevent ~~any a child regardless of any age from appearing for the purpose of~~ singing, playing, or performing in ~~any a~~ studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances **set forth in this section**, but no child ~~under less than~~ eighteen (18) years of age may be employed except under the following conditions:

(1) The activities ~~enumerated~~ must not:

(A) be detrimental to the life, health, safety, or welfare of the child; **and** (2) ~~The activities enumerated must not~~

(B) interfere with the schooling of the child. ~~and~~

Provision shall be made for education equivalent to full-time school attendance in the public schools for children ~~under less than~~ sixteen (16) years of age.

~~(3)~~ (2) A parent or guardian shall accompany ~~each a child under less than~~ sixteen (16) years of age at all rehearsals, appearances, and performances.

~~(4)~~ (3) The employment or appearance ~~must at no time may not~~ be in a cabaret, dance hall, night club, tavern, or other similar place.

[20-8.1-4-22] Sec. 34. ~~Sec. 22:~~ The employment of children ~~in~~ by the:



(1) Indiana School for the Deaf; and ~~the~~

(2) Indiana School for the Blind;

is subject to the general restrictions imposed on child labor under this chapter.

[20-8.1-4-23] Sec. 35. ~~Sec. 23:~~ (a) Every person, firm, corporation, or company **[QUERY: IN OTHER PLACES, IT'S "PERSON, FIRM, LIMITED LIABILITY COMPANY, OR CORPORATION]** ~~which that~~ employs ~~any a~~ child ~~who is at least~~ fourteen (14) years of age ~~or older~~ and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted **a printed notice** in a conspicuous place or in places where notices to employees are customarily posted. ~~a printed notice:~~ This notice ~~shall must~~ state:

(1) the maximum number of hours ~~these children a child~~ may be employed or permitted to work ~~in~~ each day of the week; and

(2) the hours of beginning and ending each day.

The printed forms for this notice shall be furnished by the department of labor.

(b) ~~The employment of children for a longer time on any day than is stated in the notice is a violation of this chapter.~~

[20-8.1-4-25] Sec. 36. ~~Sec. 25:~~ The department of labor shall prohibit ~~children a child~~ who ~~are is~~ less than eighteen (18) years of age from working in ~~any hazardous an~~ occupation ~~which is so~~ designated ~~under as hazardous by~~ the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (~~29 U.S.C. 201-219~~): **(29 U.S.C. 201 et seq.)**.

[20-8.1-4-25.5] Sec. 37. ~~Sec. 25.5:~~ (a) This section does not provide an exception to the limit on the number of hours a child is permitted to work under section ~~20 22~~ of this chapter.

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a child who is:

(1) less than eighteen (18) years of age; and

(2) employed by the person, firm, limited liability company, or corporation;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public, unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the child.

(c) A violation of subsection (b) is a hazardous occupation violation subject to section ~~31(a)(6) 31(a)(2)[??]~~ of this chapter.

[20-8.1-4-26] Sec. 38. ~~Sec. 26: Hazardous Occupations; Exception; Certain Instruction. Nothing in~~ This chapter ~~shall does not~~ prevent ~~any~~ a student from working on a properly guarded machine in the training department of ~~any a~~ school when an instructor provides personal supervision.

[20-8.1-4-29] Sec. 39. ~~Sec. 29:~~ (a) ~~It is the duty of~~ The department of labor and its authorized inspectors and agents: ~~to~~



(1) shall enforce this chapter and to ensure that all violators are prosecuted; ~~The department of labor and its inspectors and agents and~~

(2) may visit and inspect, at all reasonable hours and ~~as often when~~ as practicable and necessary, all establishments ~~that are~~ affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department of labor while they are performing their duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department of labor, the attorney general ~~of the state~~ shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

[20-8.1-4-31(a)] Sec. 40. ~~Sec. 31. (a)~~ A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor. ~~(i)~~ For an employment certificate violation under section ~~15~~ or ~~13~~ **15 of this chapter, a termination notice violation under section 13 of this chapter, an hour violation of not more than thirty (30) minutes under section 23 of this chapter, or a posting violation under section 35** of this chapter, the following:

~~(A)~~ (1) A warning letter for any violations identified during an initial inspection.

~~(B)~~ (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.

~~(C)~~ (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

~~(D)~~ (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that ~~(i)~~ is identified in an inspection subsequent to the inspection under ~~clause (C); subdivision (3)~~ and ~~(ii)~~ occurs not more than two (2) years after a prior violation.

~~(2)~~ For a posting violation under section ~~23~~ of this chapter, the following:

~~(A)~~ A warning letter for any violations identified during an initial inspection.

~~(B)~~ Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.

~~(C)~~ Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

~~(D)~~ One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause ~~(C)~~; and

(ii) occurs not more than two (2) years after a prior violation.

~~(3)~~ For a termination notice violation under section ~~11~~ of this



chapter, the following:

(A) A warning letter for any violations identified during an initial inspection:

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection:

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection:

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation:

(4) For an hour violation of not more than thirty (30) minutes under section 20 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection:

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection:

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection:

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation:

[20-8.1-4-31(a)] Sec. 41. ~~(5)~~ **A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor. For an hour violation of more than thirty (30) minutes under section 20 23 of this chapter, each violation of section 31 of this chapter, an age violation under section 32 of this chapter, each minor employed in violation of section 32(b) of this chapter, or a hazardous occupation violation under section 36 or 37 of this chapter, the following:**

~~(A)~~ **(1)** A warning letter for any violations identified during an initial inspection.

~~(B)~~ **(2)** One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

~~(C)~~ **(3)** Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

~~(D)~~ **(4)** Four hundred dollars (\$400) per instance for a fourth or subsequent violation that ~~(i)~~ is identified in an inspection subsequent to the inspection under ~~clause (C)~~; **subdivision (3)** and ~~(ii)~~ occurs not more than two (2) years after a prior violation.

~~(6)~~ **(6)** For a hazardous occupation violation under section 25 or 25.5 of this chapter, the following:

~~(A)~~ A warning letter for any violations identified during an



- 1 initial inspection:
 2 (B) One hundred dollars (\$100) per instance for each violation
 3 identified in a subsequent inspection:
 4 (C) Two hundred dollars (\$200) per instance for a third
 5 violation that is identified in a subsequent inspection:
 6 (D) Four hundred dollars (\$400) per instance for a fourth or
 7 subsequent violation that:
 8 (i) is identified in an inspection subsequent to the inspection
 9 under clause (C); and
 10 (ii) occurs not more than two (2) years after a prior violation.
 11 (7) For an age violation under section 21 or 21.5 of this chapter;
 12 the following:
 13 (A) A warning letter for any violations identified during an
 14 initial inspection:
 15 (B) One hundred dollars (\$100) per instance for each violation
 16 identified in a subsequent inspection:
 17 (C) Two hundred dollars (\$200) per instance for a third
 18 violation that is identified in a subsequent inspection:
 19 (D) Four hundred dollars (\$400) per instance for a fourth or
 20 subsequent violation that:
 21 (i) is identified in an inspection subsequent to the inspection
 22 under clause (C); and
 23 (ii) occurs not more than two (2) years after a prior violation.
 24 (8) For each minor employed in violation of section 21(b) of this
 25 chapter, the following:
 26 (A) A warning letter for any violations identified during an
 27 initial inspection:
 28 (B) One hundred dollars (\$100) per instance for each violation
 29 identified in a subsequent inspection:
 30 (C) Two hundred dollars (\$200) per instance for a third
 31 violation that is identified in a subsequent inspection:
 32 (D) Four hundred dollars (\$400) per instance for a fourth or
 33 subsequent violation that:
 34 (i) is identified in an inspection subsequent to the inspection
 35 under clause (C); and
 36 (ii) occurs not more than two (2) years after a prior violation.
 37 (9) For each violation of section 20.5 of this chapter, the
 38 following:
 39 (A) A warning letter for any violations identified during an
 40 initial inspection:
 41 (B) One hundred dollars (\$100) per instance for each violation
 42 identified in a subsequent inspection:
 43 (C) Two hundred dollars (\$200) per instance for a third
 44 violation that is identified in a subsequent inspection:
 45 (D) Four hundred dollars (\$400) per instance for a fourth or
 46 subsequent violation that:



(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

[20-8.1-4-31(b)] Sec. 42. ~~(b)~~ **(a)** A civil penalty assessed under subsection (a): **section 40 or 41 of this chapter:**

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

~~(c)~~ **(b)** For purposes of determining:

(1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a); and

~~(d)~~ For purposes of determining **(2)** recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

[20-8.1-4-31-(e)] **Sec. 43. (a)** ~~(c)~~ There is established an employment of youth fund for the purpose of educating affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the fund each year shall be used for the purpose of the education provision of this subsection, ~~This portion of the fund and~~ may be used to award grants to provide educational programs. The remaining one-half (1/2) of the fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section ~~29~~ **39** of this chapter. ~~All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.~~

(c) The **employment of youth** fund shall be administered by the department of labor. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

(e) ~~All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.~~

[20-8.1-4-14] Sec. 44. ~~Sec. 14.~~ **(a)** An employment ~~certificates~~ **certificate** shall be issued:



- (1) in a form approved by; and
 (2) under rules adopted by;
 the department of labor and the state board. ~~of education.~~
 (b) The style of the form and the rules adopted under this section ~~shall:~~ **must:**
 (1) be consistent with this chapter; and ~~shall~~
 (2) promote uniformity and efficiency in ~~its~~ **the** administration of **this chapter.**

Chapter 4. Legal Settlement and Transfer of Students

[20-8.1-6.1-1] Sec. 1. ~~(b)~~ **(a)** As used in this chapter with respect to legal settlement, transfers, and the payment of tuition, the words "residence", "resides", or other comparable language ~~when used in this chapter with respect to legal settlement, transfers, and the payment of tuition,~~ means a permanent and principal habitation ~~which a person that an individual~~ uses for a home for a fixed or indefinite period, at which the ~~person individual~~ remains when not called elsewhere for work, studies, recreation, or other temporary or special purpose.

~~(b) These~~ **The** terms are not synonymous with legal domicile.

~~(c)~~ Where a court order grants ~~a person~~ **an individual** custody of a student, the residence of the student is where that ~~person individual~~ resides.

[20-8.1-6.1-1] Sec. 2. ~~(d)~~ A student is emancipated when the student:

- (1) furnishes the student's support from the student's own resources;
- (2) is not dependent in any material way on the student's parents for support;
- (3) files or is required by applicable law to file a separate tax return; and
- (4) maintains a residence separate from that of the student's parents.

[20-8.1-6.1-1] Sec. 3. ~~Sec. 4. (a)~~ The legal settlement of a student ~~shall be~~ **is** governed by the following provisions:

- (1) If the student is ~~under less than~~ **at least eighteen (18) years of** age, or is ~~over that~~ **at least eighteen (18) years of** age but is not emancipated, the legal settlement of the student is in the attendance area of the school corporation where the student's parents reside.
- (2) ~~Where~~ **If** the student's mother and father, in a situation ~~otherwise covered in to which~~ **otherwise applies,** are divorced or separated, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent with whom the student is living, in the following situations:

- (A) ~~Where no~~ **If** a court order has **not** been made establishing the custody of the student.



- 1 (B) ~~Where~~ **If** both parents have agreed on the parent or ~~person~~
 2 **individual** with whom the student will live.
- 3 (C) ~~Where~~ **If** the parent granted custody of the student has
 4 abandoned the student. In the event of a dispute between the
 5 parents of the student, or between the parents and ~~any~~ **a**
 6 student ~~over~~ **at least** eighteen (18) years of age, the legal
 7 settlement of the student ~~shall be~~ **is** determined as otherwise
 8 provided in this section.
- 9 (3) ~~Where~~ **If** the legal settlement of a student, in a situation to
 10 which subdivision (1) otherwise applies, cannot reasonably be
 11 determined, and the student is being supported by, cared for by,
 12 and living with some other ~~person, individual,~~ the legal
 13 settlement of the student ~~shall be~~ **is** in the attendance area of that
 14 ~~person's individual's~~ residence, except where the parents of the
 15 student are able to support the student but have placed ~~him the~~
 16 **student** in the home of another ~~person, individual,~~ or ~~permitted~~
 17 **allowed** the student to live with another ~~person, individual,~~
 18 primarily for the purpose of attending school in the attendance
 19 area where the other ~~person individual~~ resides. The school may,
 20 if the facts are in dispute, condition acceptance of the student's
 21 legal settlement on the appointment of that ~~person individual~~ as
 22 legal guardian or custodian of the student, and the date of legal
 23 settlement will be fixed to coincide with the commencement of
 24 the proceedings for the appointment of a guardian or custodian.
 25 However, if a student does not reside with the student's parents
 26 because the student's parents are unable to support the child and
 27 the child is not residing with ~~a person an individual~~ other than a
 28 parent primarily for the purpose of attending a particular school,
 29 the student's legal settlement is where the student resides, and the
 30 establishment of a legal guardianship may not be required by the
 31 school. In addition, a legal guardianship or custodianship
 32 established solely for the purpose of attending school in a
 33 particular school corporation does not affect the determination of
 34 the legal settlement of the student under this chapter.
- 35 (4) ~~Where~~ **If** a student to ~~which whom~~ subdivision (1) would
 36 otherwise apply is married and living with a spouse, the legal
 37 settlement of that student is in the attendance area of the school
 38 corporation where the student and the student's spouse reside.
- 39 (5) ~~Where~~ **If** the student's parents:
 40 (A) are living outside the United States due to educational
 41 pursuits or a job assignment;
 42 (B) **do not** maintain ~~no~~ **a** permanent home in any school
 43 corporation in the United States; and
 44 (C) have placed the student in the home of another ~~person,~~
 45 **individual;**
 46 the legal settlement of the student is in the attendance area where



the other ~~person~~ **individual** resides.

(6) ~~Where~~ **If** the student is emancipated, the legal settlement is the attendance area of the school corporation of the student's residence.

(7) ~~Where~~ **If** a student's legal settlement is changed after the student has begun attending school in a school corporation in any school year, the effective date of change may:

(A) at the election of:

(i) the parent;

(ii) the student if the student is **at least** eighteen (18) years of age; ~~or older~~; or

(iii) a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

be extended until the end of that semester; or

(B) at the discretion of the school, **be extended** until the end of that school year.

However, that election, ~~where~~ **if** a student has completed grade 11 in any school year, ~~shall extend~~ **extends** to the end of the following school year in grade 12.

(8) If a juvenile court has:

(A) made findings of fact concerning the legal settlement of a student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and

(B) jurisdiction over the student under IC 31-34 or IC 31-37; the legal settlement of the student is the attendance area specified as the legal settlement in the latest findings of fact issued by the juvenile court.

[20-8.1-6.1-1] Sec. 4. ~~(c)~~ **(a)** The ~~state~~ **superintendent of public instruction** shall prepare the form of agreement to be used under ~~subsection (a)(2)[??]~~ **section 3(2) of this chapter** and a form to be executed by any ~~person individual~~ with whom the student is living under subsection ~~(a)(2)[??], (a)(3)[??], or (a)(5)[??]~~ **section 3(2), 3(3) or 3(5) of this chapter**. The execution of the ~~latter~~ form by the ~~person individual~~ and its continuance in force is a condition to the application of ~~subsection (a)(2)[??], (a)(3)[??], or (a)(5)[??]~~ **section 3(2), 3(3) or 3(5) of this chapter**.

(b) The form **described in subsection (a)** must contain an agreement of the ~~person individual with whom a student is living~~ that the ~~person individual~~ shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the person were the student's parent. On the execution of that form and for as long as it remains in force, the ~~person shall have individual has~~ these duties and liabilities.

[20-8.1-6.1-2] Sec. 5. ~~Sec. 2:~~ (a) The parents of any student,



regardless of the student's age, or the student after the student has reached eighteen (18) years of age, may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public schools of the transferee corporation. Whether the student can be better accommodated depends on ~~such matters as~~ **including:**

(1) crowded conditions of the transferee or transferor corporation; and

(2) curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student.

(b) ~~This~~ **The** request for transfer **under this section** must be made in writing to the transferor corporation, which shall immediately mail a copy to the transferee corporation. ~~This~~ **The** request for transfer must be made at the times provided ~~by rule of~~ **under rules adopted by** the state board. ~~of education.~~ The transfer is effected if both the transferee and the transferor corporations approve the transfer ~~within~~ **not more than** thirty (30) days after that mailing. The transfer ~~shall be~~ **is** denied when either school corporation: ~~either:~~

(1) mails a written denial by certified mail to the requesting parents or student at their last known address; or

(2) fails to act on the request ~~within that period:~~ **not more than thirty (30) days after the mailing.**

(c) ~~In that event,~~ **If a request for a transfer under this section is denied** an appeal may be taken to the state board ~~of education~~ by the requesting parents, or student, if ~~perfected commenced within not more than~~ **ten (10) days after the denial.** ~~This~~ **An** appeal ~~shall be perfected is commenced~~ by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. ~~of education.~~ The ~~state~~ superintendent ~~of public instruction~~ shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of ~~perfecting commencing~~ the appeal. ~~Appeals shall be heard in accord~~ **An appeal hearing must comply** with section ~~10~~ **18** of this chapter.

[20-8.1-6.1-3] Sec. 6. ~~Sec. 3:~~ (a) A school corporation may accept a transferring student without approval of the transferor corporation under section ~~2~~ **5** of this chapter.

(b) ~~No~~ **A** transfer may ~~not however,~~ be accepted **under this section** unless the requesting ~~parents~~ **parent** or student pays transfer tuition in an amount determined under the formula established in section ~~8~~ **16** of this chapter for the payment of transfer tuition by a transferor school corporation. However, the transferee school ~~shall may~~ not offset the amounts described in section ~~8(b)~~ **16(b)** STEP TWO (B) through section ~~8(b)~~ **16(b)** STEP TWO (D) of this chapter from the amount charged to the requesting parents or student.

(c) This tuition ~~shall must~~ be paid by the ~~parents~~ **parent** or the



1 student before the end of the school year in ~~such~~ installments as
 2 **determined by** the transferee corporation. ~~determines.~~

3 (d) Failure to pay any **tuition** installment is a ground for exclusion
 4 from school.

5 [20-8.1-6.1-4] Sec. 7. ~~Sec. 4:~~ (a) A school corporation may transfer
 6 a student with a physical, ~~an~~ emotional, or ~~a~~ mental disability to a
 7 transferee corporation ~~which that~~ maintains special programs or
 8 facilities for children with the disability of the transferred student.

9 (b) ~~In that event, the~~ A transferee corporation may refuse the
 10 transfer **under subsection (a)** by mailing a notice by certified mail to:

- 11 (1) the transferor corporation;
- 12 (2) the parents of the student; and
- 13 (3) the state board. ~~of education.~~

14 (c) **If a transferee corporation refuses a transfer under**
 15 **subsection (b),** the state board ~~of education~~ shall determine the
 16 question of granting a transfer ~~in accord with~~ **under** the ~~procedure~~
 17 **procedures** set out in section ~~10~~ **18** of this chapter.

18 [20-8.1-6.1-5] Sec. 8. ~~Sec. 5:~~ (a) A student who is placed in a state
 19 licensed private or public health care facility, child care facility, or
 20 foster family home:

- 21 (1) by or with the consent of the division of family and children;
- 22 (2) by a court order; or
- 23 (3) by a child placing agency licensed by the division of family
 24 and children;

25 may attend school in the school corporation in which the home or
 26 facility is located. If the school corporation in which the home or
 27 facility is located is not the school corporation in which the student has
 28 legal settlement, the school corporation in which the student has legal
 29 settlement shall pay the transfer tuition of the student.

30 (b) A student who is placed in a state licensed private or public
 31 health care or child care facility by a parent or guardian may attend
 32 school in the school corporation in which the facility is located if:

- 33 (1) the placement is necessary for the student's physical or
 34 emotional health and well-being and, if the placement is in a
 35 health care facility, is recommended by a physician; and
- 36 (2) the placement is projected to be for ~~no~~ **not** less than fourteen
 37 (14) consecutive calendar days or ~~an aggregate~~ **a total** of twenty
 38 (20) calendar days.

39 The school corporation in which the student has legal settlement shall
 40 pay the transfer tuition of the student. The parent or guardian of the
 41 student shall notify the school corporation in which the facility is
 42 located and the school corporation of the student's legal settlement, if
 43 identifiable, of the placement. ~~No~~ **Not** later than thirty (30) days after
 44 this notice, the school corporation of legal settlement shall either pay
 45 the transfer tuition of the transferred student or appeal the payment by
 46 notice to the department. ~~of education.~~ The acceptance or notice of



1 appeal by the school corporation ~~shall~~ **must** be given by certified mail
 2 to the parent or guardian of the student and any affected school
 3 corporation. In the case of a student who is not identified as disabled
 4 under ~~IC 20-1-6[??]~~, **IC 20-35-4**, the ~~Indiana~~ state board of education
 5 shall make a determination on transfer tuition ~~in accordance with~~
 6 **according to** the procedures ~~set out~~ in section ~~10~~ **18** of this chapter. In
 7 the case of a student who has been identified as disabled under
 8 ~~IC 20-1-6~~, **IC 20-35-4**, the determination on transfer tuition shall be
 9 made ~~in accordance with~~ **under** this subsection and the procedures
 10 adopted by the ~~Indiana~~ state board of education under
 11 ~~IC 20-1-6-2.1(a)(5)~~. **IC 20-35-2-1(a)(5)**.

12 (c) A student who is placed in:

- 13 (1) an institution operated by the division of disability, aging, and
- 14 rehabilitative services or the division of mental health and
- 15 addiction; or
- 16 (2) an institution, a public or private facility, a home, a group
- 17 home, or an alternative family setting by the division of disability,
- 18 aging, and rehabilitative services or the division of mental health
- 19 and addiction;

20 may attend school in the school corporation in which the institution is
 21 located. The state shall pay the transfer tuition of the student, unless
 22 another entity is required to pay the transfer tuition as a result of a
 23 placement described in subsection (a) or (b) or another state is
 24 obligated to pay the transfer tuition.

25 [20-8.1-6.1-5.5] Sec. 9. ~~Sec. 5-5~~. (a) This section applies to each
 26 student:

- 27 (1) described in section ~~5(a)~~ **8(a)** of this chapter;
- 28 (2) who is placed in a home or facility in Indiana that is outside
- 29 the school corporation where the student has legal settlement; and
- 30 (3) for which the state is not obligated to pay transfer tuition.

31 (b) Not later than ten (10) days after a county places or changes the
 32 placement of a student, the county that placed the student shall notify
 33 the school corporation where the student has legal settlement and the
 34 school corporation where the student will attend school of the
 35 placement or change of placement. Before June 30 of each year, a
 36 county that places a student in a home or facility shall notify the school
 37 corporation where a student has legal settlement and the school
 38 corporation in which a student will attend school if a student's
 39 placement will continue for the ensuing school year. The notifications
 40 required under this subsection ~~shall~~ **must** be made by the:

- 41 (1) county office (as defined in IC 12-7-2-45) if the county office
- 42 or the division of family and children placed or consented to the
- 43 placement of the student; or
- 44 (2) **if subdivision (1) does not apply**, the court or other agency
- 45 making the placement. ~~if subdivision (1) does not apply~~.

46 [20-8.1-6.1-6] Sec. 10. ~~Sec. 6~~. (a) This section does not apply to



~~children the child of a state employees residing employee who resides~~
 in student housing on property owned by any state supported
 postsecondary school institution.

(b) A student who is the child of a state employee who resides on
 state owned property, resides on state owned property, or is the child
 of a full-time employee of a state supported postsecondary institution,
 who resides on property owned or operated by the state supported
 postsecondary institution and used for educational, research, or public
 service programs, is considered a transferred student if:

(1) the student attends a public school in the school corporation
 located nearest to the student's residence within the county in
 which all or a part of either the state owned property, or the
 property owned or operated by the state supported postsecondary
 institution, is located; or

(2) the state owned property is the Soldiers' and Sailors' Children's
 Home and the student attends a public school in the county in
 which the home is located or in an adjacent county.

The state shall pay the transfer tuition for a student transferred under
 this subsection. ~~shall be paid by the state. This subsection does not~~
~~apply however, to children of state employees residing in student~~
~~housing on property owned by any state supported postsecondary~~
~~school institution.~~

[20-8.1-6.1-6] Sec. 11. ~~(b)~~ A foreign student visiting in Indiana
 under any student exchange program approved by the ~~Indiana~~ state
 board of education is considered a resident student with legal
 settlement in the school corporation where the foreign exchange
 student resides. The student may attend a school in the school
 corporation in which the family with whom the student is living
 resides. A school corporation ~~which that~~ receives a foreign student
 may not be paid any transfer tuition. The school corporation shall
 include the foreign student in computations for purposes of
 determining the amount of state aid which it is entitled to receive.

[20-8.1-6.1-6.1] Sec. 12. ~~Sec. 6.1.~~ (a) A school corporation may
 enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved
 education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section
 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are
 certified by the professional standards board;

(C) employs other professionally and state licensed staff as
 appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public
 school in that school corporation and have been found to be



emotionally disturbed;
 (ii) have been placed with the nonprofit corporation by court order;
 (iii) have been referred by a local health department; or
 (iv) have been placed in a state licensed private or public health care or child care facility as described in section ~~5(b)~~ **8(b)** of this chapter;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

[20-8.1-6.1-7] Sec. 13. ~~Sec. 7: (a)~~ If a student is transferred under section ~~2~~ **5** of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee ~~must~~ **may** not exceed the amount charged by the transferor corporation for the same class of school, or if the school ~~has no such~~ **does not have the same** classification, the amount ~~must~~ **may** not exceed the amount charged by the geographically nearest school corporation in Indiana which has ~~such the same~~ classification.

[20-8.1-6.1-7] Sec. 14. ~~(b)~~ **(a)** If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the county office of family and children for the county placing the child shall pay from the county family and children's fund to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection ~~(e)~~ **(b)**.

~~(e)~~ **(b)** The transfer tuition for which a county office is obligated under subsection ~~(b)~~ **(a)** is equal to the following:

- (1) The amount under a written agreement among the county office, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.



(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school ~~has no such~~ **does not have the same** classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana which has ~~such the same~~ classification.

~~(d)~~ (c) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

~~(e)~~ (d) An agreement described in subsection ~~(c)~~ (b) or ~~(d)~~ (c) is subject to the approval of the director of the division of family and children. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

[20-8.1-6.1-13] Sec. 15. ~~Sec. 13.~~ (a) If a student:

(1) has legal settlement in the attendance area of a school corporation in another state, when legal settlement is determined without regard to the appointment of a guardian in Indiana solely for the purpose of facilitating the placement of the student in a facility described in subdivision (2);

(2) is placed in a state licensed private or public health care facility, private or public child care institution, or treatment center in Indiana by:

(A) the parent or guardian of the student; or

(B) a governmental entity in another state; and

(3) is enrolled in a school corporation in Indiana;

the state licensed private or public health care facility, private or public child care institution, or treatment center where the student is placed, regardless of when the student is placed, is jointly liable with the person placing the student for transfer tuition under this chapter.

(b) Notwithstanding subsection (a), a sole proprietorship, a partnership, an association, a corporation, a limited liability company, a fiduciary, an individual who is not the student's parent or guardian, or another entity in Indiana that accepts the placement of a student who:

(1) has legal settlement in the attendance area of a school corporation in another state; and



(2) is enrolled in a school corporation in Indiana;
 is the guarantor for the student's transfer tuition under this chapter
 unless there is another guarantor. The ~~Indiana~~ state board of education
 shall hear all appeals under this subsection in accordance with section
~~10~~ 18 of this chapter.

[20-8.1-6.1-8] Sec. 16. ~~Sec. 8:~~ (a) As used in this section, the
 following terms have the following meanings:

(1) ~~"Class of school" refers to a classification of each school or
 program in the transferee corporation by the grades or special
 programs taught at the school. Generally, these classifications are
 denominated as kindergarten, elementary school, middle school
 or junior high school, high school, and special schools or classes,
 such as schools or classes for special education, vocational
 training, or career education.~~

(2) (1) "ADM" means the following:

(A) For purposes of allocating to a transfer student state
 distributions under IC 21-1-30 (primetime), "ADM" as
 computed under IC 21-1-30-2.

(B) For all other purposes, "ADM" as set forth in
 IC 21-3-1.6-1.1.

(2) **"Class of school" refers to a classification of each school
 or program in the transferee corporation by the grades or
 special programs taught at the school. Generally, these
 classifications are denominated as kindergarten, elementary
 school, middle school or junior high school, high school, and
 special schools or classes, such as schools or classes for special
 education, vocational training, or career education.**

(3) **"Special equipment" means equipment that during a
 school year:**

(A) **is used only when a student with disabilities is
 attending school;**

(B) **is not used to transport a student to or from a place
 where the student is attending school;**

(C) **is necessary for the education of each student with
 disabilities that uses the equipment, as determined under
 the individualized instruction program for the student; and**

(D) **is not used for or by any child who is not a child with
 disabilities.**

(3) ~~"Pupil~~ (4) **"Student enrollment"** means the following:

(A) The total number of students in kindergarten through
 grade 12 who are enrolled in a transferee school corporation
 on a date determined by the ~~Indiana~~ state board. ~~of education.~~

(B) The total number of students enrolled in a class of school
 in a transferee school corporation on a date determined by the
~~Indiana~~ state board. ~~of education.~~

However, a kindergarten student shall be counted under clauses



(A) and (B) as one-half (1/2) a student.

(4) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized instruction program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

The Indiana state board of education may select a different date for counts under this subdivision. (3). However, the same date shall must be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under ~~section 3~~ **section 6** of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) The following state distributions that are computed in any part using ADM or other ~~pupil~~ **student** count in which the student is included:

(i) Primetime grant under IC 21-1-30.

(ii) Tuition support for basic programs. ~~and at-risk weights under IC 21-3-1.7-8 (before January 1, 1996) and only for basic programs (after December 31, 1995):~~

(iii) Enrollment growth grant under IC 21-3-1.7-9.5.

(iv) At-risk grant under IC 21-3-1.7-9.7.

(v) Academic honors diploma award under IC 21-3-1.7-9.8.

(vi) Vocational education grant under IC 21-3-12.

(vii) Special education grant under IC 21-3-2.1.

(viii) The ~~portion~~ **part** of the ADA flat grant that is available for the payment of general operating expenses under



- 1 IC 21-3-4.5-2(b)(1).
 2 (B) ~~For school years beginning after June 30, 1997~~, Property
 3 tax levies.
 4 (C) ~~For school years beginning after June 30, 1997~~, Excise tax
 5 revenue (as defined in IC 21-3-1.7-2) received for deposit in
 6 the calendar year in which the school year begins.
 7 (D) ~~For school years beginning after June 30, 1997~~,
 8 Allocations to the transferee school under IC 6-3.5.
 9 STEP THREE: Determine the greater of:
 10 (A) zero (0); or
 11 (B) the result of subtracting the STEP TWO amount from the
 12 STEP ONE amount.

13 If a child is placed in an institution or facility in Indiana under a court
 14 order, the institution or facility shall charge the county office of the
 15 county of the student's legal settlement under IC 12-19-7 for the use of
 16 the space within the institution or facility (commonly called capital
 17 costs) that is used to provide educational services to the child based
 18 upon a prorated per student cost.

19 (c) Operating costs shall be determined for each class of school
 20 where a transfer student is enrolled. The operating cost for each class
 21 of school is based on the total expenditures of the transferee
 22 corporation for the class of school from its general fund expenditures
 23 as specified in the classified budget forms prescribed by the state board
 24 of accounts. This calculation excludes:

- 25 (1) capital outlay;
 26 (2) debt service;
 27 (3) costs of transportation;
 28 (4) salaries of board members;
 29 (5) contracted service for legal expenses; and
 30 (6) any expenditure which is made out of the general fund from
 31 extracurricular account receipts;
 32 for the school year.

33 (d) The capital cost of special equipment for a school year is equal
 34 to:

- 35 (1) the cost of the special equipment; divided by
 36 (2) the product of:
 37 (A) the useful life of the special equipment, as determined
 38 under the rules adopted by the ~~Indiana~~ state board; ~~of~~
 39 ~~education~~; multiplied by
 40 (B) the number of students using the special equipment during
 41 at least part of the school year.

42 (e) When an item of expense or cost described in subsection (c)
 43 cannot be allocated to a class of school, it shall be prorated to all
 44 classes of schools on the basis of the ~~pupil~~ **student** enrollment of each
 45 class in the transferee corporation compared to the total ~~pupil~~ **student**
 46 enrollment in the school corporation.



(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the ~~pupil~~ **student** enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of ~~pupil~~ **student** attendance, the transfer tuition shall be calculated by the ~~portion~~ **part** of the school year for which the transferred student is enrolled. A school year of ~~pupil~~ **student** attendance consists of the number of days school is in session for ~~pupil~~ **student** attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. Where an agreement cannot be reached, the amount shall be determined by the ~~Indiana state board, of education,~~ and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received; by

(2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state distributions under IC 21-1-30, IC 21-3-2.1, IC 21-3-12, or any other statute that computes the amount of a state distribution using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the ~~pupil~~ **student** count used to compute the state distribution.

(h) ~~in lieu~~ **Instead** of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. This contract is for a maximum period of five (5) years with an option to renew, and may specify a maximum number of ~~pupils~~ **students** to be transferred and fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section ~~9~~ **17** of this chapter.

(i) If the school corporation can meet the requirements of IC 21-1-30-5, it may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may be for one (1) year or



longer and may fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 9 17 of this chapter. A school corporation may not transfer a student under this section without the prior approval of the child's parent or guardian.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive levy as provided under IC 6-1.1-19-5.1.

[20-8.1-6.1-9] Sec. 17. ~~Sec. 9:~~ (a) Not later than March 1, a school corporation shall estimate the:

(1) transfer tuition payments that the school corporation is required to pay for students transferring from the school corporation; and

(2) transfer tuition payments that the school corporation is entitled to receive on behalf of students transferring to the school corporation.

A school corporation shall send a preliminary statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(b) Not later than October 1 following the end of a school year, a school corporation shall send a final statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(c) A statement sent under subsection (a) or (b) must include the following:

(1) A statement, to the extent known, of all transfer tuition costs chargeable to the state or school corporation for the school year ending in the current calendar year.

(2) A statement of any transfer tuition costs chargeable to the state or school corporation and not previously billed for the school year ending in the immediately preceding calendar year.

(3) A statement of any transfer tuition costs previously billed to the state or school corporation and not yet paid.

(d) Transfer tuition for each school year shall be paid by the transferor corporation or state, if the entity is obligated to pay the tuition, in not more than four (4) installments. These installments must be paid not later than October 30, January 10, April 10, and July 10 following the school year in which the obligation is incurred, unless another schedule is mutually agreed upon.

(e) Payment of operating costs shall be paid from and receipted to the respective general funds of the transferor and transferee corporations. Payment of capital costs shall be made by the transferor corporation at its discretion from any fund or source and shall be receipted by the transferee corporation at its discretion either to the capital projects fund or to the debt service fund, or if the transferee



corporation has neither of these two (2) funds, to its general fund.

[20-8.1-6.1-10] Sec. 18. ~~Sec. 10.~~ (a) The ~~Indiana~~ state board of ~~education~~ shall hear the following:

(1) All appeals from an order expelling a child under

~~IC 20-8.1-5.1-11.~~ **IC 20-33-8-11.**

(2) All appeals provided in this chapter.

(3) All disputes on the following:

(A) Legal settlement.

(B) Right to transfer.

(C) Right to attend school in any school corporation.

(D) Amount of transfer tuition.

(E) Any other matter arising under this chapter.

The **state** board shall hold a hearing on the timely written application of any interested party.

(b) The ~~Indiana~~ state board of ~~education~~ shall make its determination ~~under~~ **concerning an issue set forth in subsection (a)** using the following procedure:

(1) A hearing shall be held on each matter presented.

(2) Each interested party, including where appropriate, the parents, the student, the transferor corporation, the transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or by personal delivery.

(3) The date of giving the notice is the date of mailing or delivery.

(4) Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position.

(5) A written or recorded transcript of the hearing shall be made.

(6) The hearing may be held by the ~~Indiana~~ state board of ~~education~~ or by a hearing examiner, appointed by ~~it~~ **the state board**, who must be a state employee.

(7) The hearing, at the option of the ~~Indiana~~ state board of ~~education~~ or hearing examiner, may be held at any place in Indiana.

(8) The hearing examiner shall make written findings of fact and recommendations.

(9) The determination of the ~~Indiana~~ state board of ~~education~~ shall be made on the basis of the record, summaries, and findings, but it is required to examine only those parts of the entire record as it deems necessary.

(c) The hearing and proceedings are not governed by IC 4-21.5.

(d) The determination of the ~~Indiana~~ state board of ~~education~~ is final and binding on the parties to the proceeding.

(e) A notice of the board's determination shall be mailed to each party by certified mail. ~~No~~ **An** action to contest the validity of the decision may **not** be instituted ~~at any time~~ later than thirty (30) days after the mailing of the notice.



[20-8.1-6.1-12] Sec. 19. ~~Sec. 12.~~ (a) Annually before the date specified in the rules adopted by the ~~Indiana~~ state board, ~~of education~~, each school corporation shall report the information specified in subsection (b) for each student:

(1) for whom tuition support is paid by another school corporation;

(2) for whom tuition support is paid by the state; and

(3) who is enrolled in the school corporation but has the equivalent of a legal settlement in another state or country; to the county office (as defined in IC 12-7-2-45) for the county in which the principal office of the school corporation is located and to the department. ~~of education.~~

(b) Each school corporation shall provide the following information for each school year ~~beginning with the school year beginning July 1, 1994,~~ for each category of student described in subsection (a):

(1) The amount of tuition support and other support received for the students described in subsection (a).

(2) The operating expenses, as determined under section ~~8~~ **16** of this chapter, incurred for the students described in subsection (a).

(3) Special equipment expenditures that are directly related to educating students described in subsection (a).

(4) The number of transfer students described in subsection (a).

(5) Any other information required under ~~the~~ rules adopted by the ~~Indiana~~ state board ~~of education~~ after consultation with the office of the secretary of family and social services.

(c) The information required under this section shall be reported in the format and on the forms specified by the ~~Indiana~~ state board. ~~of education.~~

(d) Not later than November 30 of each year, ~~beginning after December 31, 1994,~~ the department ~~of education~~ shall compile the information required from school corporations under this section and submit the compiled information in the form specified by the office of the secretary of family and social services to the office of the secretary of family and social services.

(e) Not later than November 30 of each year, ~~beginning after December 31, 1994,~~ each county office shall submit the following information to the office of the secretary of family and social services for each child who is described in IC 12-19-7-1(1) and is placed in another state or is a student in a school outside the school corporation where the child has legal settlement:

(1) The name of the child.

(2) The name of the school corporation where the child has legal settlement.

(3) The last known address of the custodial parent or guardian of the child.

(4) Any other information required by the office of the secretary



of family and social services.

(f) Not later than December 31 of each year, the office of the secretary of family and social services shall submit a report to the members of the budget committee and the executive director of the legislative services agency that compiles and analyzes the information required from school corporations under this section. The report ~~shall~~ **must** identify the types of state and local funding changes that are needed to provide adequate state and local money to educate transfer students. A report submitted under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

[20-8.1-6.1-11] Sec. 20. ~~Sec. 11.~~ (a) ~~The provisions to implement~~ This chapter, including:

(1) the calculation of transfer tuition;
 (2) the credits for state distribution; and
 (3) the time in the year when requests for transfer must be filed;
 shall be implemented by rules adopted by the ~~Indiana~~ state board. ~~of education.~~

(b) The ~~Indiana~~ state board ~~of education~~ shall ~~also~~ adopt rules for the enforcement of the payment of transfer tuition. This enforcement may include: ~~but is not limited to;~~

(1) the withholding of state support from the transferor corporation for the benefit of the transferee corporation;
 (2) the charging of interest;
 (3) penalties for late payment; and
 (4) the costs of collection.

(c) ~~Whenever~~ **If** a school corporation prevails at the final adjudication of an administrative proceeding under this chapter or a lawsuit against a school corporation, to compel payment of transfer tuition owed by the school corporation under this chapter, the administrative body or the court shall award to the prevailing party the transfer tuition owed, if any, plus reasonable attorney's fees and interest as provided by law.

Chapter 5. Financial Assistance for Students

[20-8.1-9-1] Sec. 1. (a) The maximum monthly or annual gross income available to a family shall be used ~~for the purpose of determining to determine~~ financial eligibility for assistance under this chapter.

(b) In determining the eligibility of a seasonal worker for assistance under this chapter, an average shall be made of the family's income for the twelve (12) calendar months preceding the first day of the month in which the application is made.

[20-8.1-9-2] Sec. 2. The department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to



determine if the recipient is a child who is a member of a qualifying family (as defined in IC 12-14-28-1), including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

[20-8.1-9-3] Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in ~~grades K-12~~, **kindergarten or grades 1 through 12**, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for school books, supplies, or other required class fees. ~~Such~~ **The** fees shall be paid by the school corporation ~~which~~ **that** the child attends.

(b) The school corporation may apply for a reimbursement under section ~~9~~ **7** of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the textbook rental fee assessed for textbooks that have been adopted under ~~IC 20-10-1-9-1~~ **IC 20-20-5-1** or waived under IC 20-10.1-9-27, the school corporation may request that the parent or emancipated minor pay the balance of this amount.

[20-8.1-9-4] Sec. 4. The department shall provide each school corporation with sufficient application forms for assistance under this chapter. The state board of accounts shall prescribe the forms to be used.

[20-8.1-9-5] Sec. 5. All school corporations must give notice in nontechnical language and in a manner that can be reasonably expected to reach parents of ~~school children~~ **students** before the collection of any fees for schoolbooks and supplies. This notice ~~shall~~ **must** inform the parents of **the following**:

- (1) The availability of assistance.
- (2) The eligibility standards.
- (3) The procedure for obtaining assistance, including the right and method of appeal. ~~and~~
- (4) The availability of application forms at a designated school office.

[20-8.1-9-6] Sec. 6. (a) All school corporations must give appropriate application forms to parents who wish to apply for assistance under this chapter. The school shall provide assistance to those applicants who are unable to write or otherwise make a written application. The parent shall submit the completed application to the school corporation. The school corporation shall make a determination of financial eligibility.

(b) If the school corporation makes a determination that the parent is ineligible based on the information in the application, ~~it~~ **the school corporation** shall give the parent written reasons for the denial and



inform the parent of the right to request a hearing before the governing body of the school corporation or the governing body's designee. After the determination, the school corporation may bill the parent for the ~~child's~~ **student's** fees, but the school corporation may not take any legal action against the parent until the parent has had the opportunity to make an appeal in a hearing before the governing body of the school corporation or the governing body's designee. If the parent pays the fees based on the school corporation's determination, and after the appeal it is determined that the parent qualifies for assistance, the school corporation shall reimburse the parent.

[20-8.1-9-9] Sec. 7. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation may receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing textbook assistance to ~~children~~ **students** who are eligible under section 2 of this chapter.

(c) In order to be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

(1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;

(2) the costs incurred by the school corporation in providing:

(A) textbooks (including textbooks used in special education and ~~gifted and talented~~ **high ability** classes) to these students;

(B) workbooks and consumable textbooks (including workbooks and consumable textbooks, and other consumable instructional materials that are used in special education and ~~gifted and talented~~ **high ability** classes) that are used by students for ~~no~~ **not** more than one (1) school year; and

(C) instead of the purchase of textbooks, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;

(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and ~~gifted and talented~~ **high ability** classes) has been adopted by the state board of education under ~~IC 20-10.1-9-1~~ **IC 20-20-5-1** or has been waived by the state board of education under IC 20-10.1-9-27[?];

(4) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable



1 instructional material used in special education and ~~gifted and~~
 2 ~~talented high ability~~ classes) under subdivision (2)(B), if
 3 applicable, does not exceed one hundred percent (100%) of the
 4 costs incurred for the workbook or consumable textbook (or other
 5 consumable instructional material used in special education and
 6 ~~gifted and talented high ability~~ classes);

7 (6) that the amount of reimbursement requested for each textbook
 8 used in special education and ~~gifted and talented high ability~~
 9 classes is amortized for the number of years in which the textbook
 10 is used;

11 (7) that the amount of reimbursement requested for
 12 developmentally appropriate material is amortized for the number
 13 of years in which the material is used and does not exceed a total
 14 of one hundred percent (100%) of the costs incurred for the
 15 developmentally appropriate material; and

16 (8) any other information required by the department, including
 17 copies of purchase orders used to acquire consumable
 18 instructional materials used in special education and ~~gifted and~~
 19 ~~talented high ability~~ classes and developmentally appropriate
 20 material.

21 (e) Each school within a school corporation shall maintain complete
 22 and accurate information concerning the number of students
 23 determined to be eligible for assistance under this chapter. This
 24 information shall be provided to the department upon request.

25 (f) If the amount of reimbursement requested before November 1 of
 26 a particular year exceeds the amount of money appropriated to the
 27 department for this purpose, the department shall proportionately
 28 reduce the amount of reimbursement to each school corporation.

29 (g) A school corporation may submit a supplemental reimbursement
 30 request under section ~~9-1~~ 8 of this chapter. The school corporation is
 31 entitled to receive a supplemental reimbursement only if there are
 32 funds available. The department shall proportionately reduce the
 33 amount of supplemental reimbursement to each school corporation if
 34 the total amount requested exceeds the amount of money available to
 35 the department for this purpose. In the case of this supplemental
 36 reimbursement, the provisions in this section apply, except that section
 37 ~~9-1~~ 8 of this chapter applies to the making of the supplemental request
 38 by the governing body of the school corporation.

39 (h) Parents receiving other governmental assistance or aid ~~which~~
 40 **that** considers educational needs in computing the entire amount of
 41 assistance granted may not be denied assistance if the applicant's total
 42 family income does not exceed the standards established by this
 43 chapter.

44 [20-8.1-9-9.1] Sec. 8. (a) The governing body of a school
 45 corporation may make a supplemental request for reimbursement from
 46 the department after April 1 but before May 1 of a school year for some



or all of the additional costs incurred by the school corporation in providing textbook assistance to the number of additional eligible children who enroll in the school corporation after the initial request for reimbursement is filed under section ~~9(c)~~ **7(c)** of this chapter.

(b) In its supplemental request, the governing body must certify to the department the following:

(1) The number of additional students who enroll in the school corporation as described in subsection (a).

(2) The additional costs incurred by the school corporation in providing the materials described in section ~~9(d)(2)~~ **7(d)(2)** of this chapter pertaining to the number of additional students.

(3) The same information as described in section ~~9(d)(3)~~ **7(d)(3)** through ~~9(d)(7)~~ **7(d)(7)** of this chapter as pertaining to the numbers of additional students.

(c) This section applies only if there are funds available. These supplemental distributions shall be made by the department in accordance with section ~~9(g)~~ **7(8)** of this chapter.

[20-8.1-9-9.5] Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section ~~9~~ **7** of this chapter. The extent to which the fees are reimbursable under this section may not exceed the percentage rates of reimbursement under section ~~9~~ **7** of this chapter. In addition, if a child enrolls in an accredited nonpublic school after the initial request for reimbursement is filed under subsection ~~(b)~~ **(d)**, **[QUERY: THIS IS UNCLEAR.]** the parent of the child or the emancipated minor who meets the financial eligibility standard may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under section ~~9~~ **7** of this chapter by applying to the accredited nonpublic school for assistance. In this case, the provisions of this ~~section~~ **chapter** **[QUERY: THIS IS UNCLEAR.]** apply, except that section ~~9-6~~ **10** of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall



1 make a determination of financial eligibility subject to appeal by the
2 parent or emancipated minor.

3 (e) If a determination is made that the applicant is eligible for
4 assistance, subsection (a) applies.

5 (f) In order to be guaranteed some level of reimbursement from the
6 department, the principal or other designee shall submit the
7 reimbursement request before November 1 of a school year.

8 (g) In its request, the principal or other designee shall certify to the
9 department:

10 (1) the number of students who are enrolled in that accredited
11 nonpublic school and who are eligible for assistance under this
12 chapter;

13 (2) the costs incurred in providing:

14 (A) textbooks (including textbooks used in special education
15 and ~~gifted and talented~~ **high ability** classes); and

16 (B) workbooks and consumable textbooks (including
17 workbooks, consumable textbooks, and other consumable
18 teaching materials that are used in special education and ~~gifted~~
19 ~~and talented~~ **high ability** classes) that are used by students for
20 ~~no~~ **not** more than one (1) school year;

21 (3) that each textbook described in subdivision (2)(A) and
22 included in the reimbursement request (except those textbooks
23 used in special education classes and ~~gifted and talented~~ **high**
24 **ability** classes) has been adopted by the state board of education
25 under ~~IC 20-10.1-9-1~~ **IC 20-20-5-1** or has been waived by the
26 state board of education under IC 20-10.1-9-27[?];

27 (4) that the amount of reimbursement requested for each textbook
28 under subdivision (3) does not exceed twenty percent (20%) of
29 the costs incurred for the textbook, as provided in the textbook
30 adoption list in each year of the adoption cycle;

31 (5) that the amount of reimbursement requested for each
32 workbook or consumable textbook (or other consumable teaching
33 material used in special education and ~~gifted and talented~~ **high**
34 **ability** classes) under subdivision (2)(B), if applicable, does not
35 exceed one hundred percent (100%) of the costs incurred for the
36 workbook or consumable textbook (or other consumable teaching
37 material used in special education and ~~gifted and talented~~ **high**
38 **ability** classes);

39 (6) that the amount of reimbursement requested for each textbook
40 used in special education and ~~gifted and talented~~ **high ability**
41 classes is amortized for the number of years in which the textbook
42 is used; and

43 (7) any other information required by the department, including
44 copies of purchase orders used to acquire consumable teaching
45 materials used in special education and ~~gifted and talented~~ **high**
46 **ability** classes.



(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section ~~9-6~~ **10** of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if there are funds available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) ~~IC 20-8.1-9-9(h)~~ **IC 20-33-5-9(h)** applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

(l) The state board of education shall adopt rules under IC 4-22-2 to implement this section.

[20-8.1-9-9.6] Sec. 10. (a) The principal or other designee of an accredited nonpublic school may make a supplemental request for reimbursement from the department after April 1 but before May 1 of a school year for some or all of the additional costs incurred in fees that are reimbursable under section ~~9-7~~ of this chapter by the parent of a child or emancipated minor who ~~enroll~~ **enrolls** in the accredited nonpublic school after the initial request for reimbursement is filed under section ~~9-5(f)~~ **9(f)** of this chapter.

(b) In its supplemental request, the principal or other designee must certify to the department the following:

(1) The number of additional students who enrolled in the accredited nonpublic school as described in subsection (a).

(2) The costs incurred in providing the materials described in section ~~9-5(g)(2)~~ **9(g)(2)** of this chapter pertaining to the number of additional students.

(3) The same information as described in section ~~9-5(g)(3)~~ **9(g)(3)** through ~~9-5(g)(7)~~ **9(g)(7)** of this chapter as pertaining to the number of additional students.

(c) This section applies only if there are funds available. These supplemental distributions shall be made by the department in accordance with section ~~9-5(h)~~ **9(h)** of this chapter.

[20-8.1-9-10] Sec. 11. (a) A school corporation may not:

(1) withhold school books and supplies;

(2) require any special services from a child; or

(3) deny the child any benefit or privilege;



1 because the parent fails to pay required fees.

2 **(b) Notwithstanding subsection (a),** a school corporation may
 3 ~~however,~~ take any action authorized by law to collect unpaid fees from
 4 parents who are determined to be ineligible for assistance, ~~and may~~
 5 **including recover recovery of** reasonable attorney's fees and court
 6 costs in addition to a judgment award against those parents.

7 [20-8.1-9-11] Sec. 12. Under extraordinary circumstances, the
 8 township trustee may pay for the fees enumerated in section 3 of this
 9 chapter for individuals who do not otherwise qualify under the
 10 financial eligibility standard established in this chapter. Assistance in
 11 such cases may be provided by the township trustee under IC 12-20.

12 [20-8.1-9-12] Sec. 13. (a) Financial assistance for shoes and
 13 clothing shall be provided directly by the township trustee under
 14 IC 12-20 to parents who do not have sufficient means to furnish the
 15 shoes and clothing needed by the children to attend school.

16 (b) A school corporation may establish a clothing bank to provide
 17 for children's clothing needs on an emergency basis.

18 [20-8.1-9-14] Sec. 14. (a) The school textbook reimbursement
 19 contingency fund is established ~~for the purpose of reimbursing:~~ to
 20 **reimburse:**

21 (1) school corporations; ~~for certain~~

22 (2) eligible parents of children who attend accredited nonpublic
 23 schools; ~~or and~~

24 (3) emancipated minors who attend accredited nonpublic schools
 25 as provided in section ~~9-5~~ 9 of this chapter; [QUERY: IS THIS
 26 **TABULATED CORRECTLY, OR IS REIMBURSEMENT**
 27 **INTENDED FOR ELIGIBLE PARENTS OF**
 28 **EMANCIPATED MINORS?]**

29 for assistance provided under this chapter. The fund consists of money
 30 appropriated to the fund by the general assembly. The state
 31 superintendent of public instruction shall administer the fund.

32 (b) The treasurer of state shall invest the money in the fund not
 33 currently needed to meet the obligations of the fund in the same
 34 manner as other public funds may be invested.

35 **Chapter 6. Parental Participation in a Student's Education**

36 [20-8.1-14-1] Sec. 1. This chapter does not apply to a nonpublic
 37 school.

38 [20-8.1-14-2] Sec. 2. (a) Each school in a school corporation may
 39 develop a written compact that contains the expectations for the school,
 40 the student, the student's teachers, and the student's parents.

41 (b) A school that develops a compact under this section must seek
 42 the participation of parents and students in developing the compact.

43 (c) Each educator at the school shall affirm and sign the compact,
 44 and each student and the student's parents shall sign and affirm the
 45 compact.

46 [20-8.1-14-3] Sec. 3. A parent, a student, an educator, and a school



shall make a reasonable effort to comply with the terms of the compact.

Chapter 7. Parental Access to Student Records

[20-10.1-22.4-1] Sec. 1. As used in this chapter, "education records" means information that:

- (1) is recorded by a nonpublic or public school; and
- (2) concerns a student who is or was enrolled in the school.

[20-10.1-22.4-2] Sec. 2. (a) Except as provided in subsection (b), a nonpublic or public school must allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.

(b) A nonpublic or public school may not allow a noncustodial parent access to the child's education records if:

- (1) a court has issued an order that limits the noncustodial parent's access to the child's education records; and
- (2) the school has received a copy of the court order or has actual knowledge of the court order.

[20-10.1-22.4-3] Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, under the following conditions:

- (1) The disclosure or reporting of education records is to a state or local juvenile justice agency.
- (2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.
- (3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation or other entity to which the education



records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

- (1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and
 - (2) makes a good faith effort to comply with this section;
- is immune from civil liability. **[QUERY: CHECK FOR CROSS REFERENCE IN IC 34 CHAPTER THAT LISTS STATUTES CONFERRING IMMUNITY.]**

Chapter 8. Student Discipline

[20-8.1-5.1-0.5] Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under:

- (1) IC 25-22.5; or
- (2) the law of another state.

[20-8.1-5.1-0.5] Sec. 1. As used in this chapter, "principal" includes a principal's designee.

[20-8.1-5.1-0.5] Sec. 2. As used in this chapter, "superintendent" includes a superintendent's designee.

[20-8.1-5.1-0.5] Sec. 3. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

- (1) a school corporation; and
- (2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

- (1) stand in the relation of parents and guardians to the students of the school corporation; ~~Therefore, school corporation personnel~~
- and**
- (2) have the right ~~subject to this chapter~~, to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, **subject to this chapter.**

(c) Students must:

- (1) follow responsible directions of school personnel in all educational settings; and
- (2) refrain from disruptive behavior that interferes with the educational environment.

[20-8.1-5.1-4] Sec. 4. (a) This section applies to ~~a person~~ **an individual** who:

- (1) is a teacher or other school staff member; and
- (2) has students under the ~~person's~~ **individual's** charge.

(b) ~~A person~~ **An individual** may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the ~~person~~ **individual** supervises.

(c) Subject to rules of the governing body and the administrative



staff, ~~a person~~ **an individual** may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the ~~person~~ **individual** or another ~~person~~ **individual** who is a teacher or other school staff member.

[20-8.1-5.1-5] Sec. 5. (a) A principal may take ~~any~~ action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations ~~to that~~ govern student conduct.

[20-8.1-5.1-6] : Sec. 6. A:

(1) superintendent; or ~~a~~

(2) member of the superintendent's administrative staff, **with the superintendent's approval; with the superintendent's approval,** may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes. [QUERY- I THINK SECTIONS 5 AND 6 COULD BE COMBINED]

[20-8.1-5.1-7] Sec. 7. (a) The governing body of a school corporation must do the following:

(1) Establish written discipline rules, which may include appropriate dress codes, for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied ~~in any case when~~ **if** the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and ~~the~~

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

(1) rule making;

(2) disciplinary; and

(3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning



1 the following:

- 2 (1) Movement of students.
- 3 (2) Movement or parking of vehicles.
- 4 (3) Day-to-day instructions concerning the operation of a
- 5 classroom or teaching station.
- 6 (4) Time for commencement of school.
- 7 (5) Other standards or regulations relating to the manner in which
- 8 an educational function must be administered.

9 However, this subsection does not prohibit the governing body from
10 regulating the areas listed in this subsection.

11 [20-8.1-5.1-7.5] Sec. 7.5. (a) Discipline rules adopted under section
12 7 of this chapter must provide that a student with a chronic disease or
13 medical condition may possess and self-administer medication for the
14 chronic disease or medical condition during the times and in the places
15 set forth under section 8(b) of this chapter if the following conditions
16 are met:

- 17 (1) The student's parent has filed an authorization with the
- 18 student's principal for the student to possess and self-administer
- 19 the medication. The authorization must include the statement
- 20 described in subdivision (2).
- 21 (2) A physician states in writing that:
- 22 (A) the student has an acute or chronic disease or medical
- 23 condition for which the physician has prescribed medication;
- 24 (B) the student has been instructed in how to self-administer
- 25 the medication; and
- 26 (C) the nature of the disease or medical condition requires
- 27 emergency administration of the medication.

28 (b) The authorization and statement described in subsection (a) must
29 be filed **annually** with a student's principal. ~~annually~~:

30 [20-8.1-5.1-8] Sec. 8. (a) The following are the grounds for student
31 suspension or expulsion, subject to the procedural requirements of this
32 chapter and as stated by school corporation rules:

- 33 (1) Student misconduct.
- 34 (2) Substantial disobedience.
- 35 (b) The grounds for suspension or expulsion listed in subsection (a)
- 36 apply when a student is:
- 37 (1) on school grounds immediately before or during school hours,
- 38 or immediately after school hours, or at any other time when the
- 39 school is being used by a school group;
- 40 (2) off school grounds at a school activity, function, or event; or
- 41 (3) traveling to or from school or a school activity, function, or
- 42 event.

43 [20-8.1-5.1-9] Sec. 9. In addition to the grounds specified in section
44 8 of this chapter, a student may be suspended or expelled for engaging
45 in unlawful activity on or off school grounds if:

- 46 (1) the unlawful activity may reasonably be considered to be an



1 interference with school purposes or an educational function; or
 2 (2) the student's removal is necessary to restore order or protect
 3 persons on school property;
 4 including an unlawful activity during weekends, holidays, other school
 5 breaks, and the summer period when a student may not be attending
 6 classes or other school functions.

7 [20-8.1-5.1-10] Sec. 10. (a) As used in this section, "firearm" has
 8 the meaning set forth in IC 35-47-1-5.

9 (b) As used in this section, "deadly weapon" has the meaning set
 10 forth in IC 35-41-1-8. The term does not include a firearm or
 11 destructive device.

12 (c) As used in this section, "destructive device" has the meaning set
 13 forth in IC 35-47.5-2-4.

14 (d) Notwithstanding section 14 of this chapter, a student who is:

15 (1) identified as bringing a firearm or destructive device to school
 16 or on school property; or

17 (2) in possession of a firearm or destructive device on school
 18 property;

19 must be expelled for ~~a period of~~ at least one (1) calendar year, with the
 20 return of the student to be at the beginning of the first school semester
 21 after the end of the one (1) year period.

22 (e) The superintendent may, on a case-by-case basis, modify the
 23 period of expulsion under subsection (d) for a student who is expelled
 24 under this section.

25 (f) Notwithstanding section 14 of this chapter, a student who is:

26 (1) identified as bringing a deadly weapon to school or on school
 27 property; or

28 (2) in possession of a deadly weapon on school property;

29 may be expelled for ~~a period of~~ not more than one (1) calendar year.

30 (g) A superintendent or the superintendent's designee shall
 31 immediately notify the appropriate law enforcement agency having
 32 jurisdiction over the property where the school is located if a student
 33 engages in a behavior described in subsection (d). The superintendent
 34 may give similar notice if the student engages in a behavior described
 35 in subsection (f). Upon receiving notification under this subsection, the
 36 law enforcement agency shall begin an investigation and take
 37 appropriate action. [QUERY- THIS WOULD SEEM TO INDICATE
 38 THAT THE "SUPERINTENDENT'S DESIGNEE" CANNOT GIVE
 39 NOTICE OF A DEADLY WEAPON SINCE DIFFERING PARTIES
 40 MAY GIVE NOTICE-THE END RESULT IS THE SAME...THE LAW
 41 ENFORCEMENT UNIT BEGINS AN INVESTIGATION]

42 (h) A student with disabilities (~~as defined in IC 20-1-6.1-7~~) who
 43 possesses a firearm on school property is subject to procedural
 44 safeguards under 20 U.S.C. 1415.

45 [20-8.1-5.1-11] Sec. 11. A student may be expelled from school if
 46 the student's legal settlement is not in the attendance area of the school



corporation where the student is enrolled.

[20-8.1-5.1-12] Sec. 12. (a) A principal may suspend a student for not more than ten (10) school days under section 8, 9, or 10 of this chapter. However, the student may be suspended for more than ten (10) school days under section 16 of this chapter. [QUERY- THIS SECTION SEEMS TO LIMIT "SUSPENSION" UNDER SECTION 10 FOR NOT MORE THAN TEN DAYS. HOWEVER, SECTION 10 REQUIRES EXPULSION FOR CERTAIN ACTS FOR AT LEAST ONE YEAR, AND CERTAIN OTHER ACTS FOR NOT MORE THAN ONE YEAR. WHILE SUSPENSION AND EXPULSION ARE DIFFERENT, I THINK THE REFERENCE TO SECTION 10 MAY BE IN ERROR (ALTHOUGH THAT'S THE WAY IT HAS BEEN SINCE P.L.131-1995)]

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) ~~shall commence~~ **must begin** as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

[20-8.1-5.1-13] Sec. 13. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
 - (A) has not expelled the student during the current school year; and
 - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting ~~shall:~~ **must:**



- (1) be made by certified mail or by personal delivery;
 - (2) contain the reasons for the expulsion; and
 - (3) contain the procedure for requesting an expulsion meeting.
- (c) The **person individual** conducting an expulsion meeting:
- (1) shall make a written summary of the evidence heard at the expulsion meeting;
 - (2) may take action that the **person individual** finds appropriate; and
 - (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.
- (d) If the student or the student's parent ~~within~~ **not later than** ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:
- (1) shall hold a meeting to consider:
 - (A) the written summary of evidence prepared under subsection (c)(1); and
 - (B) the arguments of the principal and the student or the student's parent;
 unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and
 - (2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 15 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent. [QUERY-SINCE "PARENT" IS SINGULAR IN THIS CASE I CAN SEE PROBLEMS WITH LACK OF SERVICE ON A PARENT SEPARATED, WITHOUT LEGAL DETERMINATION FROM THE OTHER PARENT; SEE IC 20-8.1-1-3]

(f) The governing body may vote ~~not~~ to ~~not~~ hear appeals of actions taken under subsection (c). If the governing body votes ~~not~~ to ~~not~~ hear appeals, **after subsequent to** the date on which the vote is taken, a student or parent may appeal only under section 15 of this chapter.

[20-8.1-5.1-14] Sec. 14. (a) Except as provided in section 10 of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. ~~Whenever~~ **If** a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require



that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.[QUERY- WHO ARE THE APPROPRIATE AUTHORITIES?]

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

(1) shall be conducted by the superintendent or ~~a person~~ **an individual** designated under section 13(a) of this chapter after notice of the review has been given to the student and the student's parent; ~~The review~~

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; ~~The review and~~

(3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester. [QUERY-IT MAY BE IMPOSSIBLE TO SERVE THE STUDENT AND PARENT AND THE HOLD THE REVIEW IF THE EXPULSION HAD OCCURRED AT THE VERY END OF A SEMESTER THAT ENDS RIGHT BEFORE CHRISTMAS BREAK-THIS SAYS "MUST BE REVIEWED"]

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

(1) shall be conducted by the superintendent or ~~a person~~ **an individual** designated under section 13(a) of this chapter after notice of the review has been given to the student and the student's parent; ~~The review~~

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; ~~The review and~~

(3) may lead to a recommendation by the ~~person~~ **individual** conducting the review that the student be reinstated for the upcoming school year.

[20-8.1-5.1-15] Sec. 15. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

[20-8.1-5.1-11] Sec. 15.5. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 15 of this chapter unless:

(1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and

(2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.



[20-8.1-5.1-16] Sec. 16. The superintendent or the person designated by the superintendent under section 13(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 13 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

- (1) interference with an educational function or school purposes;
- or
- (2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 11 of this chapter.

[20-8.1-5.1-17] Sec. 17. (a) This section applies to a student who:

- (1) is at least sixteen (16) years of age; and
- (2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

- (1) An alternative school or alternative educational program.
- (2) Evening classes.
- (3) Classes established for students who are at least sixteen (16) years of age.

[20-8.1-5.1-18] Sec. 18. (a) This section applies to ~~a person~~ **an individual** who:

- (1) is a member of the administrative staff, a teacher, or other school staff member; and
- (2) has students under the ~~person's~~ **individual's** charge.

(b) ~~A person~~ **An individual** may take disciplinary action in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

- (1) Counseling with a student or group of students.
- (2) Conferences with a parent or group of parents.
- (3) Assigning additional work.
- (4) Rearranging class schedules.
- (5) Requiring a student to remain in school after regular school hours:
 - (A) to do additional school work; or
 - (B) for counseling.
- (6) Restricting extracurricular activities.
- (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
 - (A) five (5) class periods for middle, junior high, or high school students; or
 - (B) one (1) school day for elementary school students;



if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

(A) A principal may not assign a student under this subdivision unless the student's parent or guardian approves:

(i) the nonprofit organization where the student is assigned; and

(ii) the plan described in clause (B)(i).

A student's parent or guardian may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

(i) A plan for the service that the student is expected to perform.

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing



or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled ~~shall make a referral of~~ **refer** the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in ~~IC 20-1-6.1-7~~) **IC 20-35-9-7**) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

[20-8.1-5.1-19] Sec. 19. The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

- (1) Procedures for giving actual notice to the person having care of the dependent student.
- (2) A description of the steps that the person must take to participate in the school corporation's action.
- (3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action. [QUERY-NO DEFINITION OF DEPENDENT STUDENT]

[20-8.1-5.1-20] Sec. 20. The governing body of a school corporation may by rule:

- (1) amplify;
- (2) supplement; or
- (3) extend;

the procedures provided in this chapter in any **way manner** that is consistent with this chapter.

[20-8.1-5.1-21] Sec. 21. Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:

- (1) voluntarily;
- (2) with the knowledge of the:
 - (A) procedures available under this chapter; and ~~of the~~
 - (B) consequences of the waiver.

[20-8.1-5.1-22] Sec. 22. (a) As used in this section, "special school" includes the following:

- (1) A vocational school.
- (2) A special education school or program.
- (3) An alternative school or program.
- (b) To the extent possible, this chapter applies to a special school.
- (c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter ~~in order~~ to accommodate the administrative structure of a special school.



(d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.
[QUERY- IT IS UNCLEAR WHAT THIS MEANS]

[20-8.1-5.1-23] Sec. 23. (a) This section applies to the following:

(1) A student who:

(A) is expelled from a school corporation or charter school under this chapter; or

(B) withdraws from a school corporation or charter school to avoid expulsion.

(2) A student who:

(A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or

(B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.

(b) The student **referred to in subsection (a)** may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:

(1) the student's parent informs the school corporation in which the student seeks to enroll and also:

(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or

(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:

(i) the conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion or separation or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:

(1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or

(2) ~~the~~ a student fails to follow the terms and conditions of



enrollment under subsection (b)(3);
the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.

(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:

(1) a written or an oral statement of the reasons for the withdrawal of the consent;

(2) a summary of the evidence against the student; and

(3) an opportunity to explain the student's conduct.

(e) This section does not apply to a student who is expelled under section 11 of this chapter.

[20-8.1-5.1-24] Sec. 24. If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of:

~~(1) IC 20-8.1-3;~~ **IC 20-33-2**; or;

(2) any other statute relating to compulsory school attendance.

[20-8.1-5.1-25] Sec. 25. (a) A school corporation must provide each:

(1) student; and ~~each~~

(2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

(1) that locker; or

(2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may ~~in accordance with the rules of the governing body~~, search:

(1) a student's locker; and

(2) the locker's contents;

at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and

(2) in accordance with rules of the governing body of the school corporation;

assist a school administrator in searching a student's locker and the locker's contents.

[20-8.1-5.1-26] Sec. 26. Before February 1 and before October 1 of each year, except when a hearing has been requested **to determine financial hardship** under IC 9-24-2-1(a)(4), the governing body of the



school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the invalidation of a license or permit under IC 9-24-2-4. [QUERY-NOTE THAT IC 9-24-2-4 REQUIRES THAT THE BMV INVALIDATE THE LICENSE OR PERMIT WHEN NOTIFIED BY THE PERSON'S "(SCHOOL) PRINCIPAL"--AND THIS SECTION REQUIRES THAT THE NOTIFICATION BE BY THE "GOVERNING BODY"]

[20-8.1-5.1-27] Sec. 27. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student ~~who is a child with a disability~~ **with disabilities (as defined in IC 20-1-6-1)** is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the ~~Indiana~~ state board. ~~of education.~~

(b) The division of special education shall propose rules under ~~IC 20-1-6-2.1(a)(5)~~ **IC 20-35-2-1(b)(5)** to the ~~Indiana~~ state board of ~~education~~ for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student ~~who is a child with a disability (as defined in IC 20-1-6-1).~~ **with disabilities.** [QUERY-IC 20-1-6.2-1 SETS DUTIES OF THE DIRECTOR OF SPECIAL EDUCATION WHO IS TO ADOPT RULES UNDER (a)(5) OF THAT SECTION WHICH REALLY HAVE LITTLE IF NOTHING TO DO WITH SUSPENSIONS, EXPULSIONS, AND DISCIPLINE FOR A STUDENT WITH A DISABILITY--I WOULD SUGGEST STRIKING THE REFERENCE TO IC 20-1-6-2.1, AND PROBABLY MAKE THIS "PROPOSAL"]

Chapter 9. Reporting Requirements

[20-8.1-12-1] Sec. 1. **Sections 4 through 8 of this chapter apply** to the following:

(1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).

(2) A violation under IC 35-48-4 (offenses related to controlled substances).

[20-8.1-12.5-1] Sec. 2. As used in this chapter, "intimidation" refers to intimidation under IC 35-45-2-1.

[20-8.1-12.5-2] Sec. 3. As used in this chapter, "threat" has the meaning set forth in IC 35-45-2-1.

[20-8.1-12-2] Sec. 4. If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

(1) a violation described in section 1 of this chapter; or

(2) a delinquent act that would be a violation under section 1 of this chapter if the violator was an adult;

in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately



report the violation in writing to a member of the administrative staff for the school corporation employing the person.

[20-8.1-12-3] Sec. 5. A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator was an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report:

- (1) a general description of the violation;
- (2) the name or a general description of each violator known to the member;
- (3) the date and place of the violation;
- (4) the name or a general description of each person who the member knows witnessed any part of the violation; and
- (5) a general description and the location of any property that the member knows was involved in the violation;

in writing to a law enforcement officer.

[20-8.1-12-4] Sec. 6. A report is not required under sections ~~2~~ 4 through ~~3~~ 5 of this chapter if:

- (1) a federal statute or regulation;
- (2) ~~IC 20-6-1-6-15~~, **IC 20-28-10-17**, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or
- (3) a rule adopted by a state agency;

imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.

[20-8.1-12-5] Sec. 7. (a) A person, other than a person who has committed a violation under section 1 of this chapter or a delinquent act that would be a violation under section 1 of this chapter if the violator was an adult, who:

- (1) makes a report under this chapter in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report under this chapter;
- (3) employs a person described in subdivision (1) or (2); or
- (4) supervises a person described in subdivision (1) or (2);

is not liable for civil damages or penalties that might otherwise be imposed because of the conduct described in subdivisions (1) through

(4). **[QUERY: CHECK CROSS REFERENCE IN IC 34 CHAPTER THAT LISTS IMMUNITY FROM LIABILITY STATUTES.]**

(b) A person described in subsection (a)(1) or (a)(2) is presumed to act in good faith.

[20-8.1-12-6] Sec. 8. The law enforcement agencies and the school corporations in each county shall develop and administer a program to



efficiently implement this chapter.

[20-8.1-12.5-3] Sec. 9. In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee has received a threat or is the victim of intimidation shall report that information as required by this chapter.

[20-8.1-12.5-4] Sec. 10. (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 6 of this chapter.

[20-8.1-12.5-5] Sec. 11. This chapter does not relieve an individual of the obligation to report a threat or intimidation on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

[20-8.1-12.5-6] Sec. 12. An individual who has a duty under this chapter to report that a school employee may have received a threat or may be the victim of intimidation shall immediately make an oral report to the local law enforcement agency.

[20-8.1-12.5-7] Sec. 13. Except as provided in section ~~8~~ **14** of this chapter, an individual, other than a person accused of making a threat or intimidating a school employee, who:

- (1) makes, or causes to be made, a report under this chapter; or
- (2) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report under this chapter; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

[20-8.1-12.5-8] Sec. 14. An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter. **[QUERY: CHECK CROSS REFERENCE TO IC 34 CHAPTER THAT LISTS IMMUNITY FROM LIABILITY STATUTES.]**

[20-8.1-12.5-9] Sec. 15. An individual making a report under this chapter or assisting in any requirement of this chapter is presumed to have acted in good faith.

Chapter 10. Access To High School Student Information by Military Organizations

[20-10.1-29-0.5] Sec. 1. ~~Sec. 0.5:~~ This chapter applies only to public high schools.

[20-10.1-29-1] Sec. 2. As used in this chapter, "armed forces of the United States" means:

- (1) the United States Air Force;
- (2) the United States Army;



- (3) the United States Coast Guard;
- (4) the United States Marine Corps;
- (5) the United States Navy; and
- (6) any reserve components of the military forces listed in subdivisions (1) through (5).

[20-10.1-29-2] Sec. 3. As used in this chapter, "student directory information" means the student's:

- (1) name;
- (2) address; and
- (3) telephone number, if the telephone number is a listed or published telephone number.

[20-10.1-29-3] Sec. 4. (a) Except as provided in subsection (b), a high school shall provide access to the high school campus and the high school's student directory information to official recruiting representatives of:

- (1) the armed forces of the United States;
- (2) the Indiana Air National Guard;
- (3) the Indiana Army National Guard; and
- (4) the service academies of the armed forces of the United States;

for the purpose purposes of informing students of educational and career opportunities available in the armed forces of the United States, the Indiana Air National Guard, the Indiana Army National Guard, and the service academies of the armed forces of the United States.

(b) If:

- (1) a high school student; or
- (2) the parent, guardian, or custodian of a high school student; submits a signed, written request to a high school at the end of the student's sophomore year that indicates the student or the parent, guardian, or custodian of the student does not want the student's directory information to be provided to official recruiting representatives under subsection (a), the high school may not provide access to the student's directory information to an official recruiting representative. A high school shall notify students and the parents, guardians, or custodians of students of the provisions of this subsection.

(c) A high school may require an official recruiting representative to pay a fee:

- (1) for copying and mailing the high school's student directory information described under subsection (a); and
- (2) in an amount that is not more than the actual costs incurred by the high school.

[20-10.1-29-4] Sec. 5. Information received by an official recruiting representative under section 3 4 of this chapter:

- (1) may be used only to provide information to students concerning educational and career opportunities available in:



- 1 **(A)** the armed forces of the United States;
2 **(B)** the Indiana Air National Guard;
3 **(C)** the Indiana Army National Guard; and
4 **(D)** the service academies of the armed forces of the United
5 States; and
6 (2) may not be released to a person who is not involved in
7 recruiting high school students for:
8 **(A)** the armed forces of the United States;
9 **(B)** the Indiana Air National Guard;
10 **(C)** the Indiana Army National Guard; and
11 **(D)** the service academies of the armed forces of the United
12 States.

